


**THEMATIC REPORT ON ACCESS AND BENEFIT-SHARING:**

**The Republic of Lebanon**

**June 2005**

**Details on the origin of this report**

Contracting Party	Lebanon
<b>National Focal Point</b>	
Full name of the institution:	Ministry of Environment
Name and title of contact officer:	Ms. Lara Samaha Head of Department, Conservation of Natural wealth Service of Nature Conservation
<i>Mailing address:</i>	Ministry of Environment Lazarieh bldg P.O.Box: 11-2727 Beirut-Lebanon
Telephone:	+961 1 976 555 Ext417
Fax:	+ 961 1 976 530
E-mail:	l.samaha@moe.gov.lb
<b>Contact officer for national report (if different)</b>	
Name and title of contact officer:	Dr. Berj Hatjian Director General Minstry of Environment
Mailing address:	Ministry of Environment Lazarieh bldg P.O.Box: 11-2727 Beirut-Lebanon
Telephone:	+961 1 976 555- Ext: 500
Fax:	+ 961 1 976 530
E-mail:	dgmoe@moe.gov.lb
<b>Submission</b>	
Signature of officer responsible for submitting national report:	 <b>Berj Hatjian</b> Director General Ministry of Environment
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## ABBREVIATIONS & ACRONYMS

<b>ABS</b>	Access and Benefit Sharing
<b>AUB</b>	American University of Beirut
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CBD</b>	Convention on Biological Diversity
<b>CGIAR</b>	Consultative Group on International Agricultural Research
<b>CMA</b>	Certified Management Accountants
<b>FAO</b>	Food and Agriculture Organization
<b>GEF</b>	Global Environmental Facilities
<b>IBSAR</b>	Initiative for Biodiversity Studies in Arid Regions
<b>ICARDA</b>	International Centre for Agricultural Research in the Dry Areas
<b>INBio</b>	National Biodiversity Institute
<b>IP</b>	Intellectual Property
<b>MOE</b>	Ministry of Environment
<b>NCA</b>	National Competent Authority
<b>NENA</b>	Near East and North Africa
<b>NGO</b>	non-governmental organizations
<b>Sc</b>	Scientific
<b>Sps</b>	Species
<b>SWIFFT</b>	Strategic World Initiative for Technology Transfer
<b>TRIPS</b>	Trade-Related Aspects of Intellectual Property Rights
<b>UGA</b>	University of Georgia Athletics
<b>UK</b>	United Kingdom
<b>UNDP</b>	United Nations for Development Programme
<b>USA</b>	United State of American
<b>USDA</b>	United States Department of Agriculture
<b>WIPO</b>	World Intellectual Property Organization
<b>WTO</b>	World Trade Organization

**Summary information on the process by which this report has been prepared, including information on the types of stakeholders who have been actively involved in its preparation and on material which was used as a basis for the report**

A partnership between the Lebanese Ministry of Environment, a biodiversity center (IBSAR) in a private academic institution (AUB), and the United Nations Development Program (UNDP) was established to develop access and benefit sharing (ABS) legislation for Lebanon through funds from the Global Environment Facility (GEF). For this purpose national participation from various sectors including the public sector was sought and international expertise was solicited to broaden local knowledge. Steps followed to develop draft law is shown below:

Build local capacity and learn about potential uses of biodiversity	Seek international contribution and know how	Produce draft law and subject it for review by independent international firm and Lebanese stakeholders
Conduct national workshops offered by international experts highlighting the potential commercial value of wild plants	Organize national workshops offered by international experts to highlight issues related to access and benefit sharing and intellectual property rights	Review of draft law by various sectors in Lebanon

Following a year of consultations and workshops a draft law was prepared and is currently pending approval by the council of ministers. A main point that arose during the workshops and that is specific to Lebanon has affected decision making regarding the draft law: During the various workshops it was found essential to avoid future conflicts and responsibilities between ministries and thus a legislation addressing physical access to resources and benefit sharing was drafted and includes the involvement of the ministries of environment and agriculture. The law did not include, intently, indigenous knowledge and intellectual property. These are to be developed at a later stage by the ministry of economy and trade, in close collaboration with the ministries of environment and agriculture and in close consultation with WIPO.

The Draft Law (attached) applies to biological and genetic resources occurring both in-situ and ex-situ. One of the major principles provided for in the Draft Law is the sovereignty of the State over biological resources; the State exercises said right in the name and for the benefit of the local communities. The Draft Law designates the MoE through the relevant biodiversity department as the competent national authority to be responsible for the implementation and enforcement of the provisions of the law, in coordination with other relevant ministries. The draft law proposes the creation of an advisory committee headed by the Ministry of Environment and including representatives from relevant ministries and organisations, the advisory committee will assist the MoE in its implementation and enforcement of the ABS law.

According to the Draft Law, any person or entity that wishes to access the biological and genetic resources of Lebanon, should file an application with the Competent National Authority (CNA). Once the application is submitted to the MoE, it will then be forwarded without delay to the Advisory Committee for examination. After reviewing the application, the Committee will recommend either its approval or its rejection and submit its recommendations to the MoE, the latter will take the final decision and communicated it to the applicant.

Once said application is approved, the CNA invites the applicant to sign the ABS Agreement with the CNA, and the land owner or owners and/or the local communities where the biological and genetic resources are located. The

signed agreement will constitute the applicant's official authorization to access the biological and genetic resources. Four types of agreements are provided for in the Draft Law: (1) Academic research agreement, (2) Conservation of biological and genetic resources agreement, (3) Commercial research agreement, and (4) Commercial exploitation agreement. Concerning the benefit-sharing, the Draft Law provides that any scientific, medical, pharmaceutical, commercial, or legal results derived from the access to, use, research, experiments, and developments of the biological and genetic resources should be shared with the State and the local land owner or owners and communities whose biological and genetic resources were involved in the activity of the applicant. The sharing of such results shall be provided for in the ABS Agreement, which shall describe the benefit sharing method that the parties to the agreement shall agree upon, and the share of each one of them. According to this draft law, there are two different types of benefits that could be shared and included in the ABS Agreement: monetary and non-monetary benefits. Moreover, the import and export of biological and genetic resources shall be authorized and regulated by the CNA. Finally, the Draft Law provides for penalties that will apply in case the access to, use and development of, and trading in biological and genetic resources is made without the approval of the CNA and without signing the required ABS Agreement.

## I. Views of Lebanon on the following issues:

### *Intellectual property and traditional knowledge related to genetic resources*

The current Lebanese laws do not include any provision regarding the protection of traditional knowledge.

Current intellectual property regimes do not provide adequate protection for the traditional knowledge, as they consist of the regular provisions that can be found in copyright, patent, and trademark laws. Special provisions (or law) should be enacted to provide adequate protection for traditional knowledge.

The issue of traditional knowledge was not covered in the draft ABS Law because the Ministry of Economy & Trade is engaged in discussing it on an international level, and is likely to include in its future legislative initiatives.

### *Intellectual property rights and access and benefit-sharing agreements*

The draft law provided for the possibility of drafting four different types of agreements

The draft law did not provide for the content of said agreements, and left the content to be decided on a case by case basis. Such content could also include provisions regarding ethical concerns.

The draft law provided for the respect of the rights of the farmers and the continued customary use of genetic resources and related knowledge

The current Lebanese copyright laws provides for the possibility of joint ownership of copyrighted works. In fact, the copyright law of Lebanon provides for the collective ownership of works created by a group of persons when it is difficult to isolate the contribution made by each one of them. In addition, if a group of persons created a common work, and the contribution of each of them can be isolated, then each one of said persons can exploit its share independently from the others. Finally, the copyright law of Lebanon provides for work-made-for-hire. As for the patent law, it also provides for work-made-for-hire, and for the sharing of the benefits of a patent between the employer and the employee, if the invention was not a part of the responsibilities for which the employee was hired. The patent law also provides for the compulsory license under certain conditions.

## II. Case-study on developing access and benefit sharing draft law for the Republic of Lebanon

### II.1. Background

Access and benefit sharing was addressed and a law was drafted through a cost shared collaborative activity between the Lebanese Ministry of Environment (through funds available from GEF-UNDP) and a local university, the American University of Beirut (through funds available from the USDA-Mercy Corps).

Until the initiation of this project the only officially signed agreement was between the Lebanese Agricultural Research Institute and the Royal Botanic Gardens, Kew (UK) whereby seeds were collected and stored in the latter institute within the context of the millennium seed bank project (<http://www.rbgkew.org.uk/msbp/>).

The process leading to the elaboration of the draft law involved steps of capacity building for the parties addressing the issues along with regular participatory national meetings to raise awareness and derive feedback from various sectors of the society. Foreign consultancy and advice was also sought to broaden knowledge base. Below is a schematic representation of the various activities that took place each of which will be elaborated in a section of this report.

<b>Build local capacity and learn about potential uses of biodiversity</b>	<b>Seek international contribution and know how</b>	<b>Produce draft law and subject it for review by independent international firm and Lebanese stakeholders</b>
Conduct national workshops offered by international experts highlighting the potential commercial value of wild plants	Organize national workshops offered by international experts to highlight issues related to access and benefit sharing and intellectual property rights	Review of draft law by various sectors in Lebanon

## II.2. Existing laws relevant/related to access and benefit sharing and identification of ministries concerned

Year	Legislation	Date	Summary content
1924	Trademark law (Ordinance No. 2385)	17/1/1924	This law provides for the protection of trademarks
1949	Article 99 of Forest Law	7/1/1949	Harvesting of non wood forest products from wooded areas requires land owner's authorization or authorization from the Department of Forests
1949	Article 37 Law No. 763	1/8/1949	The trade of medicinal herbs that have a healing nature whether simple or compound or containing harmful or toxic material is empowered to pharmacists. The pharmacists or the licensed are competent in preparing, extracting and using materials and are competent in selling the products whether wholesale or by retail.
1949	Article 38 Law No. 763	1/8/1949	The trade of plants that have no medical or toxic effects and their components remains free on a condition that it is sold in its natural condition with its scientific or common name
1996	Ministerial ordinance Minister of Agriculture (92/1)	28/2/1996	Prohibits the export of "all medicinal and nectarous plants of Lebanese origins like thyme, sage, myrtle, and chamomile.
1996	Ministerial Ordinance (340/1)	1/8/1996	Authorizes and regulates the harvesting and export of Thyme (Sc. Name) and sage (Sc. Name)
1998	Ministerial ordinance Minister of Agriculture (177/1)	26/8/1998	Prohibits the harvesting and export of Zallouh (Scientific name) except in special cases and for experimental purposes only
1998	Decree No. 11710	22/1/1998	Establishing of a committee at the Ministry of Health to regulate the import of "natural medicinal products" and food additives
1999	Copyright law (No. 75/99)	3/4/1999	This law provides for the protection of copyright and follows the international standards for such protection
2002	Article 47 of Law No. 444	29/7/2002	Purpose: Public interest to protect nature, prevent desertification, preserve plant and animal species and ecological balance
2000	Patent law (No. 240/2000)	8/7/2000	Art. 2: Confusing regarding plant varieties
2001	Syndicate of the importers of "natural medicinal products" and food additives	2/11/2001	Organize the importers of natural medicinal products And food additives in a syndicate.



## **Responsibilities of government agencies**

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- **Ministry of Economy** : Intellectual property right - Patent (Plant varieties)
  - **Ministry of Health**: Importation of various plants - registration and approval of pharmaceutical products obtained from medicinal plants - trading in medicinal plants
  - **Ministry of Agriculture**: Protected Forests - regulate the harvesting and export of various plants - Regulate use of forests resources
  - **Ministry Environment**: Management of natural resources and protection of biological diversity - Establishment and management of protected areas other than Forests - preserve plant and animal species, & ecological balance
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### II.3. Bibliography and resources that influenced the drafting of the law on access and benefit sharing

#### Lebanese laws, Decrees, and Ordinances:

- The Lebanese patent law No. 240/2000
- The Lebanese law regulating the profession of pharmacists, law No. 367 of 1994
- The Protection of the Environment law, law No. 444 of 2002
- The Forests law of 7/1/1949
- The Ministerial Ordinance No. 157 dated 2/10/2001 issued by the Minister of Labour, establishing the Order of the Importers of Natural Medical Products, and Food Supplements
- Decree No. 11710 dated 22/1/1998, calls for the establishment of a Committee within the Ministry of Health for the regulation of the importation of Natural Medical Products
- Customs Regulation No. 91 dated 9/12/1992 regulating the importation of certain products including Medical Plants
- The following Ministerial Ordinance issued by the Minister of Agriculture regulating the export of certain plants:
  - i. Ordinance No. 177/1 dated 26/8/1998, regarding the harvesting and export of the giant fennel plant (*Ferula hermonis*)
  - ii. Ordinance No. 340/1 dated 1/8/1996 regarding the harvesting and export of the thyme (*Thymus* sps.) and sage plants (*Salvia triloba*)
  - iii. Ordinance No. 92/1 dated 28/2/1996 prohibiting the exports of various Lebanese plants such as thyme (*Thymus* sps.), sage (*Salvia triloba*), Marjoram (*Orignum syriacum*), Sesame (*Sesamum orientale*), Myrtle (*Myrtus communis*), Chamomile (*Matricaria chamomilla*).

#### Foreign laws and international treaties:

- Convention on Biological Diversity
- The TRIPs Agreement
- The Biodiversity law of Costa Rica
- The Biological Diversity Bill of India
- The Model Biodiversity Related Community Intellectual Rights Act of India, Biodiversity Related Community Intellectual Rights
- The Draft Agreement, Free Trade Area of the Americas, Chapter on Intellectual Property Rights
- The African Model Legislation for the Protection of the Rights of Local Communities, Farmers, and Breeders, and for the Regulation of Access to Biological Resources
- The Philippines Bill for the Creation of a System for Community Rights Protection
- The Philippines Act to Recognize, Protect and Promote the rights of Indigenous Cultural Communities
- The Philippines Act Creating the Institute of Traditional and Alternative Health Care
- The ASEAN Framework Agreement on Access to Biological and Genetic Resources
- The Biodiversity and Community Knowledge Protection Act of Bangladesh
- The Bilateral treaty between Lebanon and Egypt exempting the importation of medicinal plants from Customs Duties
- The Bilateral treaty between Lebanon and Syria exempting the importation of medicinal plants from Customs Duties
- The Bilateral treaty between Lebanon and Saudi Arabia exempting the importation of medicinal plants from Customs Duties

- The Bilateral treaty between Lebanon and Jordan exempting the importation of medicinal plants from Customs Duties
- The Bilateral treaty between Lebanon and Portugal exempting the exportation of medicinal plants into Portugal from Customs Duties

**Publications:**

- Governing Biodiversity, The Case of the Philippines, the German Development Institute, May 2002
- Equitable Sharing of Biodiversity Benefits: Agreements on Genetic Resources, Paper presented at the International Conference on Incentive Measures for the Conservation and Sustainable Use of Biological Diversity in Cairns, Australia, March 1996
- Management, Conservation and Utilization of Plant Genetic Diversity in the Near East and North Africa (NENA), Ministry of Agriculture, Teheran, Iran
- Peruvian Farmers, and Indigenous People Denounce Maca Patents, July 3, 2002
- Drug Discovery and Biodiversity Project Among Highland Maya Subject of Misunderstanding, According UGA Professor, December 6, 1999
- Mexico: It's Bio-Plunder, Not Benefit Sharing, November 28, 2002
- Biodiversity and the Nation State: Regulating Access to Genetic Resources Limits Biodiversity Research in Developing Countries February 1999
- CBD Decision VI/24 Access and Benefit Sharing as Related to Genetic Resources, February 17, 2003
- Policy Dialogue on Access to Biodiversity and Benefit Sharing, CMA, Indian Institute of Management, Ahmedabad, April 1998

## II.4. National workshops that were held to build capacity and develop legislation

### A. Workshop 1. March 27-28, 2003

**Objective:** Investigating economic and legal constraints to biodiversity related economic opportunities  
(Appendix 1 – workshop agenda)

#### **Main participants sought:**

*Representatives of the ministries of Environment, Economy and Trade, Industry and Public Health.*

*Owners of plant distilleries*

*Manufacturers of Herbal Teas*

*Manufacturer of Cosmetics*

*Manufacturers of herbal Medicines*

*Importers medicinal herbs and nutritional supplements*

*Exporters of raw material*

*NGOs social and environmental*

*National committee on herbal products and food supplements*

*Agricultural cooperatives*

#### **Main issues raised by participants:**

Identifying potential processed products in demand regionally and internationally and the potential customers for each type of product.

Discussing quality requirements of plant products sold for processing purposes and the definition of industrial processing requirements for the production of exportable processed material.

Identification of Market Niches Regionally and Internationally and Identification of Plausible Competitors for Processed Lebanese Product

Presentation and discussion of Legal and Policy restraints affecting biodiversity opportunities in Lebanon.

Expression of the need of a public awareness/orientation campaign at the production, industrial and consumer levels would help push the industrial production of medicinal herbs forward.

The networking of producers and manufacturers is of prime importance

## **B. Workshop 2. May 30, 2003**

**Objectives:** To discuss the specific themes related to the sustainable and equitable uses of biodiversity related products such as the medicinal, culinary, ornamental and cosmetic uses of plants and other organisms. To prepare draft guidelines, frameworks and action plans to promote and highlight the economic contribution of biodiversity to the local economy and to regional and international markets.

### **Main participants sought:**

*Representatives of the ministries of Environment, Economy and Trade, Industry and Public Health.*

*Farmers*

*Agricultural Cooperatives*

*Importers medicinal herbs and nutritional supplements*

*Exporters of raw material*

*NGOs agricultural, social, and environmental*

### **Main issues raised by participants:**

Determination of Production Sites

Certification

Plant selection

Agricultural and postharvest practices

Documents needed for exportation of the produce

Conclusion: After the presentation of each subject, a discussion was initiated to further explain specific points and to answer the questions raised by participants. During this session, the participants determined the possibilities offered in Lebanon for a better use of its natural resources and for starting the culture of aromatic and medicinal plants for essential oils extraction purposes in the aim of initializing continuous and sustainable export.

### C. WORKSHOP 3. June 17-18, 2003

**Objectives:** To exchange information and experiences with another country on how they dealt with issues related to access, benefit sharing, indigenous knowledge, research, and economic opportunities.

#### **Main participants sought:**

*Representatives of the ministries of Environment, Economy and Trade, Industry and Public Health.*

*Representatives from Costa Rica including: representative of the ministry of Environment, President of EARTH University, Bioprospection Program Advisor to the National Institute of Biodiversity (INBio)*

*Manufacturers of herbal Medicines*

*Importers medicinal herbs and nutritional supplements*

*Pharmacists*

*National Research Institutions*

*Lawyers*

#### **Main issues raised by participants:**

List of the categories of plants that carry revenue potentials: How to best take advantage of biodiversity

Difference between Access in Costa Rica and Lebanon: In Costa Rica resources are under the authority of the state. In Lebanon since we follow the French legal system, the landowner's approval for access of his land is a must. The landowners become partners in exploitation.

*Access and benefit sharing laws:* The laws should be passed to protect biodiversity. If care is not taken to implement, biodiversity will be depleted.

*Drafting of the Costa Rican Law.* The draft law was the result of research carried internationally. It was discussed with different ministries, NGOs and private organizations before it was sent to parliament.

Differences in approaches to Indigenous knowledge and biodiversity between Lebanon and Costa Rica: In Lebanon Indigenous knowledge is not related to tribes. Knowledge is not a secret and has been used for a long time among the population. Lebanon is a small country and shares biological species with neighboring countries.

The market of Herbal Products in Lebanon and the Gulf States. There are 1300 different herbal products sold in Lebanon. The Gulf States are potential customers for Lebanese herbal products.

Disadvantage for the Lebanese market. Lebanon lacks well-trained herbal medicine doctors.

#### D. WORKSHOP 4. June 30, July 1, 2003

**Objectives:** Two-day training course on Intellectual Property and Biodiversity: Legislation and Agricultural Development to elucidate the impact of intellectual property and biodiversity on legislation and agricultural development. To present a draft of the Lebanese access and benefit sharing law, to provide Lebanese decision makers with the proper background and thinking tools to eventually further on, guide the amendment of the law towards a formulation that would be beneficial for Lebanon.

#### **Main participants sought:**

*International experts: A. Krattinger, SWIFFT, J. Dodds, Dodds & Associates*

*Representatives of the ministries of Environment, Economy and Trade, Industry and Public Health.*

*Local lawyers*

*National Nominated expert on access and benefit sharing*

*Manufacturers of herbal Medicines*

*Importers medicinal herbs and nutritional supplements*

*Exporters of raw material*

*NGOs social and environmental*

#### **Main issues raised by participants:**

The workshop put together a balance of plenary sessions and small group activities addressing both general issues of intellectual property and specific issues of accessing genetic resources and sharing the benefits of their use. Specifically, the workshop covered in plenary sessions:

- The various statutory and non-statutory intellectual property tools, including copyright, trademarks, patents, plant variety protection, trade secrets, and geographic indications.
- Contracts, their use, limitations and day to day application (confidentiality, material transfer, collaboration, licensing, employment, etc.)
- Biodiversity and the private sector, including forms of investments, valuation, and methods for adding and capturing value.
- Valuation of genetic resources, including issues of royalties vs. up-front payments, exclusive vs. non-exclusive licensing, etc.

The workshop also covered review of outline legislation on accessing genetic resources and benefit sharing in Lebanon, and allowed the participants to play an active role in refining and enhancing this initial draft. In addition, the presentations covered examples of comparative legislation in other jurisdictions, other international examples of bioprospecting, and relationship with trade legislation.

In addition to the plenary sessions, working groups were developed and oriented around case studies tailored to and relevant to the genetic resources, access and commercialization issues of Lebanon. Specifically, the following case studies were done:

- On day one, a foundation was laid in two subject areas:
  - Genetic resource management, including relationship with policy, strategy and management, international agreements (Convention on Biological Diversity, CGIAR/FAO in trust agreement, etc), contracts (e.g. material transfer agreements), communication of IP,

and strategic planning.

- Business development focusing on the theme of business/commercial parks, with substantial emphasis on IP/strategic planning, public-private partnerships, investment mechanisms, and business plan development.

These two sessions formed a foundation for the working groups of the second day which focused specifically on Lebanese issues that are a direct derivative of the above topics. Those being:

- Detailed discussion on genetic resources, access and benefit sharing legislation where the group was able to debate technical and legal issues and suggest amendments, alternatives, improvements to the outline legislation document prepared by a local patent attorney as a basis for the dialogue. The group specifically discussed follow-up activities and agreed to meet again in one week's time to further advance the draft.
- Development of a framework strategic plan for an invention that has significant potential for international commercialization. Specifically, the working group discussed alternative strategies and options in terms of sequence, milestones, deliverables and respective roles, including further research, trials, market studies, valuation, licensing, investment IP strategies, and relationship to existing and potential legislation.

#### ***E. WORKSHOP 4. July 8, 2003***

**Objectives:** Small task group to revise and comment on draft law

**Main participants sought:**

*Representatives of the ministries of Environment, Economy and Trade, and Agriculture. Lebanese Agricultural research institute, academics, National expert on access and benefit sharing.*

**Main issues raised by participants:**

Follow up meeting to the revise and comment on the draft law of biodiversity



### III. METHODOLOGY, CONTACTS, AND FINALIZATION OF THE DRAFT LAW ON ACCESS AND BENEFIT SHARING

- 1 **Review references:** all the materials listed in the Bibliography
- 2 **Develop outline of the draft law:** Discuss outline with nominated expert on access and benefit sharing and with representatives of the MOE.
- 3 **Prepare first version of the draft law:** that included the following three major components):  
Access to biological and genetic resources,  
Distribution of the benefits derived from the access to the biological and genetic resources, and  
Protection of the Traditional Knowledge.  
This first version of the draft law provided also for the creation of a new government agency that would include representatives from the various Ministries involved, as well as representatives of the various universities with Agriculture Colleges, and the various Lebanese communities affected by the draft law.
- 4 **Forward first draft for review by international expert:** The first version of the draft law was forwarded Mr. John Dodds (Law Offices of Dodds and associates, Washington DC).
  - i. **Discuss access and benefit sharing in national workshops with a delegation of experts from Costa Rica and consultants from the USA:** Access to biological resources and benefit sharing, as well as the first version of the draft law were discussed during two two-day national workshops.
  - ii. **Preliminary consultations with concerned ministries:** During the second workshop, a brief meeting was held with Dr. Berj Hatjian, the Director General of the Ministry of Environment, to talk about the draft law. Dr. Hatjian recommended one major amendment to the draft law. He believed that, because of budgeting concerns, the government would not support the creation of a new government agency. Representatives from the Ministry of Economy indicated that they will be attending international meetings and seminars regarding the protection of traditional knowledge. Representatives from the Ministry of Agriculture were present in the workshops and contributed with their comments to the presented draft law.
  - iii. **Follow up on comments and changes with ad-hoc committee:** As a follow up to said two workshops, a small local group was formed in order to meet, review the draft law, and recommend the necessary changes. The group met twice, and recommended substantial changes to the draft law.
  - iv. **Prepare second draft:** Based on the comments received during the two workshops, and made by the small group that met after the conclusion of the two workshops, a second version of the draft law was prepared. The main differences between the two versions of the draft law were as follows:
    - The second version does not provide for the creation of a new government agency. The functions of said new government agency that were included in the first version of the draft were assigned to the concerned department dealing with biodiversity conservation within the MOE in the second version of the draft law.
    - The draft law proposes the creation of an advisory committee headed by the Ministry of Environment and including representatives from relevant ministries and organisations

- The part of the first version of the draft law that addressed the protection of traditional knowledge was omitted from the second version of the draft law (Appendix 8). This was made necessary (1) in order to avoid any duplication or overlapping of responsibilities and efforts between the MOE and the Ministry of Economy and Trade that is currently attending seminars regarding said issue, and (2) because the Ministry of Economy and Trade has a dedicated department for intellectual property protection, and a registration mechanism for intellectual and industrial property rights.

**5 Forward second draft for review by concerned ministries, national and regional experts:**

1. Ministry of Economy: a copy of the second version of the draft law was delivered to Dr. Fady Makki, the Director General of the Ministry of Economy and Trade on August 19, 2003. Dr. Makki did not believe that the passage of such a law was appropriate at this point in time, as Lebanon is negotiating for a full membership in the WTO. The passage of laws regulating the access to biological resources and sharing the benefits derived from such access are among the issues required of Lebanon. Dr. Makki did not feel that Lebanon should pass such a law before completing the negotiations for Lebanon's membership in the WTO.

2. Ministry of Agriculture: a copy of the second version of the draft law was delivered to Mr. Ghattas Akl, Director of rural development and natural resources at the Ministry of Agriculture on August 20, 2003.

3. Dr. Hassan Machlab National expert on access and benefit sharing and researcher at the Lebanese Agricultural Research Institute approved the draft.

4. Dr. Ahmad Amri, regional coordinator Agro-biodiversity, ICARDA, Amman, who provided detailed comments.

5- The draft law was translated to Arabic. Both English and Arabic texts were reviewed by concerned people at the MoE namely Ms. Lara Samaha, CBD focal point; Head of Department of Conservation of Natural Wealth and Ms. Samar Malek, legal specialist at the Legal Department and their comments were included to the different successive versions of the draft texts. The final version of the draft law was issued in May 2005 after including the final comments of the MoE.

#### IV. Appendices

##### Appendix 1.

##### Biodiversity Opportunities in Lebanon

##### *Workshop agenda*

March 27, March 28, 2003

##### **Industry**

##### ***Day 1 – March 27, 2003***

09:00 am	Opening speeches
9:50 am	Potential processed products in demand regionally and internationally (Dr. J. Nasr)
<b>11:15 am</b>	<b>Coffee Break</b>
11:45 am	working session Determination of quality requirements of plant products sold for processing purposes. Definition of industrial processing requirements for the production of exportable processed material (JN)
<b>1:30 pm</b>	<b>Lunch</b>
3:00 pm	Working Session continued
5:00 pm	Handing out or designation of material for group work on day 2
5:30 pm	End of session

##### ***Day 2 - March 28, 2003***

08:30 am	Determination of all documentations and certification requirements by main importers (EU, US, Arab countries) to allow export of processed material. Determination of storage and shipping guidelines. (JN)
<b>10:00 am</b>	<b>Coffee Break</b>
10:30 am	Identification of market niches regionally and internationally and identification of plausible competitors for processed Lebanese products.( JN)
12:15 pm	Working session : Elucidation of the role of public and private sectors in supporting industrial processing of native plants.(JN)
<b>01:15 pm</b>	<b>Lunch</b>
02:30 pm	Legal and Policy restraints affecting biodiversity opportunities in Lebanon. (Maître Walid Nasser)
03:30 pm	Feedback & Discussion over Coffee break
05:00 pm	Closure of Workshop



## Appendix 2.

The Cultivation of Wild Plants

### *Workshop agenda*

May 30<sup>th</sup> 2003

#### *Production - May 30, 2003*

09:30 am	Registration
9:45 am	Opening speech by Dr S. Talhouk
10:00 am	Session 1
<b>11:00 am</b>	<b>Coffee Break</b>
11:15 am	Session 2
<b>12:30 pm</b>	<b>Lunch</b>
01:30 pm	Session 3
3:00 pm	Session 4
4:30 p.m.	Wrap up - End of session

## Appendix 3.

### Legislation and Biodiversity Opportunities, The Costa Rican Experience *Workshop agenda*

#### **DAY 1 – June 17, 2003, Bioprospection: History and Future Prospects**

- 09:30 am Registration
- 10:00 am Welcome Speeches  
*AUB Acting President*  
*Dr. Berj Hatjian - Director General, Minister of Environment, Lebanon*  
*Dr. Hani Daraghma - UNDP Representative, GEF Regional Coordinator*  
*Dr. José Zaglul - President, EARTH University, Costa Rica*  
Introductory Presentation: Workshop Objectives  
*Dr. Salma Talhouk - IBSAR Coordinator, AUB*
- 10:40 am Coffee Break**
- 11:00 am Biodiversity in Costa Rica: Social, Economic, and Environmental Background  
*Dr. Eugenia Wo-Ching – Representative - Ministry of Environment and Energy, Costa Rica*
- 11:30 am Discussion
- 11:40 am Historical Review and Potentials of Bioprospection in Costa Rica  
*Mr. Jorge Cabrera M. - Bioprospection Program Advisor - National Institute of Biodiversity (INBio), Costa Rica*
- 12:10 pm Discussion
- 12:30 pm Lunch**
- 01:30 pm Discussion Group Session: Bioprospection Potentials in Lebanon. Research and Applications  
Moderator: *Dr. José Zaglul*

Day 2 - June 18, 2003

#### **Collaboration, Access, and Benefit Sharing of Biodiversity**

- 9:30 am Costa Rican National Regulations for Access and Benefit Sharing: Generative Issues and Mechanisms - *Dr. Eugenia Wo-Ching*
- 10:00 am Discussion
- 10:10 am Legal and Policy Constraints Affecting Biodiversity Opportunities in Lebanon - Mr. Walid Nasser - *Attorney at Law, Walid Nasser & Associates*
- 10:40 am Discussion
- 11:00 am Coffee Break**
- 11:15 am Discussion Panel: Biodiversity Related to Intellectual Property Rights (IPR) and Indigenous Knowledge Protection - *Dr. Eugenia Wo-Ching - Mr. Jorge Cabrera M. Mr. Walid Nasser - Moderator: Dr. José Zaglul*
- 12:30 pm Lunch**
- 01:30 pm Collaboration and Agreements in Bioprospection for Scientific Research and Product Development - *Mr. Jorge Cabrera M.*
- 02:00 pm Discussion

2:45 pm Coffee Break and end of the workshop

## Appendix 4.

### Intellectual Property and Biodiversity, Their Impact on Legislation and Agriculture Development *Course agenda*

#### *Day 1 - June 30, 2003*

- 09:30 am Registration  
09:45 am Introductory Presentation: Workshop Objectives and Process  
*Dr. Salma Talhouk - IBSAR Coordinator, AUB*  
10:00 am Biodiversity Law: Comparative Approaches - *Dr. J. Dodds*  
10:45 am Biodiversity & The Private Sector: *Dr. A. Krattiger*

#### **11:30 am Coffee Break**

- 11:45 am Split into working groups for case studies:  
A. Public-Private Partnerships and Business Park  
B. Specific Genetic Resources Policies and Issues

12:00 am Working Groups

#### **01:30p.m. Lunch**

02:30 p.m. Working Groups continued

04:00 p.m. Presentation and Discussion of working group results and context with Lebanese situation (policy, strategy)

Handing out of material for group works for day 2 (working groups C and D)

#### **04:45 pm End of Session**

#### *Day 2 – July 1, 2003*

- 9:30 am Contracts and Problems of genetic resource movement *Dr. J. Dodds*  
Creating Wealth out of Genetic Resources and Capturing the Added Value,  
including Trade-Offs - *Dr. A. Krattiger*

#### **11:00 am Coffee Break**

11:15 am Presentation of the Lebanese draft law on Access and Benefit Sharing.  
Mr. Walid Nasser – *Attorney at Law, Walid Nasser & Associates*

12:00 a.m. Legislative Coherence: Genetic Resources /PVP/Biotech and general Q & A and Feedback - *Dr. J.Dodds, Mr. W. Nasser and Dr. A. Krattiger*

12:45 am Lunch

- 01:30 pm Split up in two Working Groups  
C. Legislative Issues  
D. Business and Investment Opportunities

#### **02:30 pm Coffee Break**

02:45 pm Working Groups continued

04:15 pm Feedback & Discussion on Working Groups

#### **05:00 pm End of Course**



