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منظمة  
الغذية والزراعة  
للأمم المتحدة

# COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

## Item 2.3 of the Provisional Agenda

### Sixteenth Regular Session

Rome, 30 January - 3 February 2017

## ELABORATION OF SUBSECTOR-SPECIFIC ELEMENTS TO FACILITATE DOMESTIC IMPLEMENTATION OF ACCESS AND BENEFIT-SHARING FOR DIFFERENT SUBSECTORS OF GENETIC RESOURCES FOR FOOD AND AGRICULTURE

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*Appendix I: Required extra-budgetary resources*

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## I. INTRODUCTION

1. Ensuring that appropriate genetic resources for food and agriculture (GRFA) with relevant traits are available and accessible is crucial for food security. In most countries, a significant part of the genetic diversity used in food and agriculture originates from other countries. Countries are thus interdependent when it comes to accessing GRFA needed to safeguard food security.<sup>1</sup> At the same time, it is widely acknowledged that countries have the sovereign right to exploit their own resources, including the right to control and limit access to them. Increasingly, countries regulate access to their genetic resources and impose benefit-sharing obligations on their use for research and development.<sup>2</sup>

2. FAO and the Commission have a longstanding history of dealing with access to GRFA and the fair and equitable sharing of benefits derived from their utilization. In 1983, the FAO Conference adopted the International Undertaking on Plant Genetic Resources for Food and Agriculture, which provided a policy and planning framework for the Commission with respect to plant genetic resources for food and agriculture (PGRFA). During the following years, the Commission negotiated further resolutions that interpreted the International Undertaking, and, in 1994, started revising the International Undertaking. As a result of this process, the FAO Conference, in 2001, adopted the International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty), the first legally binding and fully operational international instrument for access and benefit-sharing for genetic resources.

3. This document briefly reviews the Commission's more recent work on access and benefit-sharing, provides some information on the global policy context and analyses the budgetary implications of the recommendations of the ABS Expert Team for future work of the Commission and its subsidiary bodies on access and benefit-sharing, for consideration of the Commission.

## II. BACKGROUND

4. The Commission, at its Tenth Regular Session, 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.<sup>3</sup> At its Eleventh Regular Session, 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 (MYPOW).<sup>4</sup>

5. In 2009, the Commission considered arrangements and policies for access and benefit-sharing for GRFA. It adopted Resolution 1/2009 (which formed the basis for FAO Conference Resolution 18/2009) stressing the special nature of agricultural biodiversity and inviting the Conference of the Parties to the CBD to allow for differential treatment of different sectors or subsectors of genetic resources, of different genetic resources for food and agriculture, of different activities and of different purposes for which activities are carried out.

6. In 2011, the Commission established an Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture and mandated it to identify relevant distinctive features of the different sectors and subsectors of genetic resources for food and agriculture requiring distinctive solutions. The Group was also given the task of developing options that would guide and assist countries in developing legislative, administrative and policy measures that accommodate these features.

7. In response to the report of its Ad Hoc Technical Working Group, the Commission established, in 2013, a Team of Technical and Legal Experts on Access and Benefit-sharing (ABS Expert Team) consisting of two representatives from each region to prepare *Elements to Facilitate*

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<sup>1</sup> Background Study Papers Nos. 7, 48.

<sup>2</sup> Treaty, Article 10; Convention on Biological Diversity, Articles 3,5.

<sup>3</sup> CGRFA-10/04/Report, paragraph 76.

<sup>4</sup> CGRFA-11/07/Report, paragraph 71.

*Domestic Implementation of Access and Benefit-sharing for Different Subsectors of Genetic Resources for Food and Agriculture (ABS Elements)*. The ABS Expert Team participated in relevant portions of the meetings of the intergovernmental technical working groups on plant, animal and forest genetic resources, informed their discussions and, after each meeting, considered the lessons learnt from each of the subsectors.

8. The ABS Expert Team prepared the ABS Elements, drawing on a body of studies, reports and other inputs prepared since 2009, including

- studies on the use and exchange of aquatic<sup>5</sup>, animal<sup>6</sup>, forest<sup>7</sup>, microbial genetic resources<sup>8</sup> and of biological control agents for food and agriculture<sup>9</sup>;
- a study on food security and access and benefit-sharing for GRFA;<sup>10</sup>
- results of a multi-stakeholder dialogue<sup>11</sup>;
- government submissions describing the conditions under which specific GRFA are exchanged and utilized<sup>12</sup>;
- stakeholder submissions on voluntary codes of conduct, guidelines and best practices, and/or standards in relation to ABS for all subsectors of GRFA<sup>13</sup>; and
- explanatory notes to the distinctive features of GRFA.<sup>14</sup>

9. The Commission, at its last session, welcomed the ABS Elements<sup>15</sup> and invited the Director-General of FAO to bring them to the attention of the Conference.<sup>16</sup> The FAO Conference, at its Thirty-Ninth Session in June 2015, welcomed the ABS Elements and invited Members to consider and, as appropriate, make use of them. The Conference also noted the complementarity between the work of the Commission and 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) in regard to access and benefit-sharing for genetic resources.<sup>17</sup>

10. The Commission, at its last session, also requested its intergovernmental technical working groups (Working Groups) to continue elaborating, with the assistance of the Secretary, subsector-specific elements for ABS, including consideration of the role of traditional knowledge associated with GRFA and their customary use, and bearing in mind the on-going activities or processes under the Treaty, for consideration by the ABS Expert Team.<sup>18</sup> It requested the ABS Expert Team to consolidate the outputs of the meetings of the Working Groups and any additional information from thematic studies on sectors not covered by the Working Groups, and to report to the Commission at its next session.

### III. GLOBAL CONTEXT

11. Access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed, is among the universally agreed targets of the 2030 Agenda for Sustainable Development.<sup>19</sup>

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<sup>5</sup> Background Study Paper No. 45.

<sup>6</sup> Background Study Paper No. 43.

<sup>7</sup> Background Study Paper No. 44.

<sup>8</sup> Background Study Paper No. 46.

<sup>9</sup> Background Study Paper No. 47.

<sup>10</sup> Background Study Paper No. 42.

<sup>11</sup> Background Study Paper No. 59.

<sup>12</sup> CGRFA-15/15/Inf.14.

<sup>13</sup> CGRFA-15/15/Inf.13; CGRFA-15/15/Inf.13 Add.1.

<sup>14</sup> CGRFA-15/15/Inf.10.

<sup>15</sup> CGRFA-15/15/Report, *Appendix B*.

<sup>16</sup> CGRFA-15/15/Report, paragraph 22(ii).

<sup>17</sup> C 2015/REP, paragraph 52.

<sup>18</sup> CGRFA-15/15/Report, paragraph 22

<sup>19</sup> Resolution A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development, Targets 2.5; 15.6.

12. The international regime on access to genetic resources and benefit-sharing underlying this target is constituted of the CBD, the Nagoya Protocol, as well as complementary instruments, including the Treaty and the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization.<sup>20</sup> The World Health Organization (WHO) addresses the sharing of influenza viruses and access to vaccines and the sharing of other benefits through its Pandemic Influenza Preparedness Framework. ABS is also on the agenda of the negotiations of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on marine biological diversity in areas beyond national jurisdiction.

### **Convention on Biological Diversity**

13. The CBD was opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993. As at 1 October 2016 the CBD has 196 Parties. The Convention has three main goals: the conservation of biological diversity; sustainable use of its components; and fair and equitable sharing of benefits arising from genetic resources, including by appropriate access to genetic resources, technology transfer and funding.

14. The CBD requires its Contracting Parties to take legislative, administrative or policy measures, as appropriate, with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Parties providing such resources.<sup>21</sup> Access to genetic resources shall be subject to prior informed consent (PIC)<sup>22</sup> and, where granted, shall be on mutually agreed terms (MAT).<sup>23</sup> Potential benefits to be shared also include: access to and transfer of technology using genetic resources; participation in biotechnological research activities based on the genetic resources; and priority access to the results and benefits arising from biotechnological use of the genetic resources.<sup>24</sup>

### **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**

15. The Nagoya Protocol was adopted on 29 October 2010 by the Conference of the Parties to the CBD, at its tenth meeting, and entered into force on 12 October 2014. As at 1 October 2016, the Nagoya Protocol has 78 Parties.<sup>25</sup> The objective of the Nagoya Protocol is to further advance the third objective of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources, technology transfer and funding.

16. The Nagoya Protocol is based on the sovereign right of states over their natural resources, which implies that the authority to determine access to genetic resources rests with national governments and is subject to national legislation. The Nagoya Protocol, which covers genetic resources, including GRFA, within the scope of Article 15 of the CBD as well as associated traditional knowledge, sets out core obligations for its Parties to take measures in relation to: (1) access to genetic resources for their utilization, *i.e.* research and development on the genetic and/or biochemical composition of genetic resources, and to associated traditional knowledge; (2) the sharing of benefits derived from such research and development as well as subsequent applications and commercialization; and (3) the compliance by the user of genetic resources and associated traditional knowledge utilized within its jurisdiction with the applicable ABS measures.

17. The Nagoya Protocol, in its preamble, explicitly recognizes the importance of genetic resources to food security, the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions, as well as the interdependence of all countries with regard to GRFA and the special nature and importance of these resources for achieving food security worldwide and for sustainable development of agriculture in the context of poverty alleviation and climate

<sup>20</sup> UNEP/CBD/COP/10/27, Decision X/1.

<sup>21</sup> CBD, Article 15.7.

<sup>22</sup> CBD, Article 15.5; 15.3.

<sup>23</sup> CBD, Article 15.4.

<sup>24</sup> CBD, Articles 15.7 ; 16 ; 19 ; 20 ; 21.

<sup>25</sup> <http://www.cbd.int/abs/nagoya-protocol/signatories/>

change. In this regard, the Nagoya Protocol also acknowledges the fundamental role of the Treaty and the Commission.

18. In its operational provisions, the Nagoya Protocol requires Parties to consider, in the development and implementation of their ABS legislation or regulatory requirements, the importance of GRFA and their special role for food security.<sup>26</sup> Parties shall also create conditions to promote and encourage research that contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research.<sup>27</sup>

19. The provisions of the Nagoya Protocol shall not affect the rights and obligations of any Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.<sup>28</sup> Moreover, the Nagoya Protocol leaves room for other international agreements in the field of ABS and it does not prevent its Parties from developing and implementing other relevant international agreements, including other specialized ABS agreements, provided that they are supportive of and do not run counter to the objectives of the CBD and the Nagoya Protocol.<sup>29</sup> Where a specialized international ABS instrument that is consistent with and does not run counter to the objectives of the CBD and the Nagoya Protocol applies, the Nagoya Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource covered by and for the purpose of the specialized instrument.<sup>30</sup> One of the instruments explicitly acknowledged in the Preamble of the Nagoya Protocol is the Treaty, which has been developed in harmony with the CBD.<sup>31</sup> Beyond this openness to other international instruments, the Nagoya Protocol also states that due regard should be paid to “useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of and do not run counter to the objectives of the CBD and this Protocol.”<sup>32</sup>

20. The Nagoya Protocol also requires Parties to encourage, as appropriate, the development, update and use of sectoral and cross-sectoral model contractual clauses for MAT and of voluntary codes of conduct, guidelines and best practices and/or standards in relation to ABS.<sup>33</sup> The Conference of the Parties to the CBD serving as meeting of the Parties to the Nagoya Protocol shall periodically take stock of the use of the model contractual clauses, codes of conduct, guidelines and best practices and/or standards.<sup>34</sup>

### **International Treaty on Plant Genetic Resources for Food and Agriculture**

21. The Treaty was negotiated between 1994 and 2001 by the Commission and adopted by the FAO Conference, at its Thirty-first Session on 3 November 2001. It entered into force on 29 June 2004. As at 1 October 2016, the Treaty has 141 Parties. The objectives of the Treaty are the conservation and sustainable use of PGRFA and the fair and equitable sharing of the benefits arising out of their use, in harmony with the CBD, for sustainable agriculture and food security.

22. Like the CBD and the Nagoya Protocol, the Treaty is based on the premise that States have sovereign rights over their genetic resources and that the authority to determine access to these resources lies with national governments. However, under the Treaty, the Contracting Parties exercise their sovereign rights to establish the Multilateral System of Access and Benefit-sharing (MLS) to facilitate access and the sharing of monetary and non-monetary benefits arising from the use of

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<sup>26</sup> Nagoya Protocol, Article 8(c).

<sup>27</sup> Nagoya Protocol, Article 8(a).

<sup>28</sup> Nagoya Protocol, Article 4.1.

<sup>29</sup> Nagoya Protocol, Article 4.2.

<sup>30</sup> Nagoya Protocol, Article 4.4.

<sup>31</sup> Treaty, Article 1.1.

<sup>32</sup> Nagoya Protocol, Article 4.3.

<sup>33</sup> Nagoya Protocol, Articles 19.1; 20.1.

<sup>34</sup> Nagoya Protocol, Articles 19.2; 20.2.

PGRFA through standardized conditions set out in the Standard Material Transfer Agreement (SMTA). The Treaty applies to all PGRFA. Its MLS applies to 64 of the world's most important crops which together account for a very high percentage of the food derived from plants. Under the Treaty, monetary and other commercial benefits flow to the Treaty's Benefit-sharing Fund, which makes them primarily available, directly and indirectly, to farmers in all countries, especially developing countries and countries with economies in transition, who conserve and sustainably utilize PGRFA.

23. The Treaty's Governing Body, at its Sixth Session, initiated the elaboration of a "full draft revised SMTA focusing especially on the development of a subscription system" with the aim to increase the income of the Benefit-Sharing Fund. In addition, options for adapting the coverage of the MLS based on different scenarios and income projections shall be elaborated.<sup>35</sup> The Ad Hoc Open-Ended Working Group to Enhance the Functioning of The Multilateral System continues to consider these issues.

24. The Treaty explicitly recognizes the enormous contribution farmers have made to the ongoing development of the world's wealth of PGRFA, in particular through its Article 9 on Farmers' Rights. It calls for protecting the traditional knowledge of these farmers, increasing their participation in national decision-making processes and ensuring that they share the benefits from the use of these resources. The Governing Body adopted several resolutions on Farmers' Rights<sup>36</sup> and a global consultation on Farmers' Rights was held from 27 to 30 September 2016.<sup>37</sup>

### **Pandemic Influenza Preparedness Framework**

25. In 2011, the Sixty-fourth World Health Assembly of the WHO adopted the Pandemic Influenza Preparedness Framework for the Sharing of Influenza Viruses and Access to Vaccines and Other Benefits (PIP Framework). The objective of the PIP Framework is to improve pandemic influenza preparedness and response, and strengthen the protection against pandemic influenza by improving and strengthening the WHO global influenza surveillance and response system, with the objective of a fair, transparent, equitable, efficient, effective system, on an equal footing, for:

- (i) the sharing of H5N1 and other influenza viruses with human pandemic potential; and
- (ii) access to vaccines and sharing of other benefits.

26. The WHO Executive Board, at its 138th session in January 2016, requested the WHO Secretariat to analyse how the implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications. The Secretariat will have to report back to the WHO Executive Board in this regard at the 140th session of the Board to be held in January 2017.<sup>38</sup>

### **United Nations Convention on the Law of the Sea**

27. UNCLOS is the international agreement that defines the rights and responsibilities of nations with respect to their use of the world's oceans, regulating the conduct of certain economic activities, the protection of the environment, and the conservation and management of marine natural resources. The Convention, concluded in 1982, entered into force on 16 November 1994. As at 1 October 2016, 167 countries and the European Union have joined the Convention.

28. Marine genetic resources found in areas beyond national jurisdiction, i.e. the high seas and the deep seabed ("Area") are outside of the scope of the CBD and its Nagoya Protocol. However, in the case of processes and activities carried out under the jurisdiction or control of a State, the provisions of both instruments apply, regardless of where their effects occur, within the area of its national jurisdiction or beyond the limits of national jurisdiction.<sup>39</sup> To which extent marine genetic resources in areas beyond national jurisdiction are covered by UNCLOS is controversial due to different interpretations of certain UNCLOS provisions, including those addressing the high seas, the Area and

<sup>35</sup> IT/GB-6/15/Report, Appendix A.1.

<sup>36</sup> Resolutions 2/2007; 6/2009; 6/2011; 8/2013 and 5/2015.

<sup>37</sup> <http://planttreaty.org/content/global-consultation-farmers'-rights>

<sup>38</sup> <http://www.who.int/influenza/pip/2016-review/NagoyaStudyTORs.pdf>.

<sup>39</sup> CBD, Article 4(b).

marine scientific research. However, building on the work of its Ad Hoc Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction, the United Nations General Assembly decided on 19 June 2015 to negotiate an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The topics to be addressed by the negotiations include “*the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology.*”<sup>40</sup> In March 2016, the Preparatory Committee established by the UN General Assembly Resolution 69/292 started its work to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument under UNCLOS and, by the end of 2017, report to the Assembly on its progress.

#### **IV. FUTURE WORK ON ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

29. In response to the Commission’s request, the Working Groups considered during their sessions in 2016 the elaboration of subsector-specific ABS elements, including the role of traditional knowledge associated with GRFA and their customary use.

30. Following the meetings of the Working Groups, the ABS Expert Team convened in September 2015.<sup>41</sup> It took note of the reports of the meetings of the Working Groups held during the current<sup>42</sup> and the preceding<sup>43</sup> biennia and recalled the Commission’s request to consolidate the outputs of the meetings of the Working Groups.<sup>44</sup> While the ABS Expert Team considered this request to be timely, given that many countries are in the process of adopting, revising or implementing domestic ABS measures,<sup>45</sup> it expressed the view that “more input is needed from the four Working Groups to further elaborate subsector-specific ABS elements.”<sup>46</sup>

31. Given its limited mandate, the ABS Expert Team, in an effort to further facilitate productive work in this area, discussed various substantive issues and recommended priorities for the Commission’s work on ABS for GRFA for the next biennium as well as a process that would provide the Working Groups with the information needed to further elaborate subsector-specific ABS elements.<sup>47</sup>

32. The ABS Expert Team recommended that during the forthcoming intersessional period the Commission’s work on ABS for GRFA focus on: (i) improving awareness of ABS for GRFA; (ii) identifying relevant communities of practice; (iii) developing subsector-specific ABS elements for the different subsectors of GRFA, including, on the basis of existing practices, general criteria to assist countries in applying the concept of “utilization”, taking into account the distinctive features of GRFA; and (iv) gathering information on use and exchange practices, relevant instruments, the

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<sup>40</sup> Resolution A/RES/69/292 - Development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

<sup>41</sup> CGRFA-16/17/6.

<sup>42</sup> CGRFA-16/17/10, paragraphs 17-19; CGRFA-16/17/12, paragraphs 25-28; CGRFA-16/17/15, paragraphs 23-26; CGRFA-16/17/18, paragraphs 22-24.

<sup>43</sup> CGRFA-15/15/9, paragraphs 19-25; CGRFA-15/15/12, paragraphs 30-36; CGRFA-15/15/14, paragraphs 40-45.

<sup>44</sup> CGRFA-16/17/6, paragraph 9.

<sup>45</sup> CGRFA-16/17/6, paragraph 8.

<sup>46</sup> CGRFA-16/17/6, paragraph 9.

<sup>47</sup> CGRFA-16/17/6, paragraph 10.

involvement of indigenous and local communities in the implementation of ABS measures and on country experiences with the use of the ABS Elements.<sup>48</sup>

33. With regard to the process, the ABS Expert Team recommended to convene an international workshop to raise the awareness of Commission Members and observers as well as other stakeholders and communities of practice of the issue of ABS and its relevance to GRFA and to provide a forum for participants to exchange information, experiences and views. The workshop would also be valuable for the Bureaus of the Working Groups who would develop, on the basis of the distinctive features of their subsectors and taking into account the information gathered, a first draft of ABS elements specific to their subsectors, for review by their Working Groups. Upon review of the draft subsector-specific ABS elements by the Working Groups, the ABS Expert Team would reconvene to consolidate the draft ABS elements, for consideration by the Commission at its Seventeenth Regular Session. The process, as proposed by the ABS Expert Team, is visualized in Table 1.

**Table 1: Future work on ABS, as proposed by the ABS Expert Team**

<b>2017</b>	Members to provide relevant inputs
	International workshop on <i>Access and benefit-sharing for genetic resources for food and agriculture</i> , co-organized by Treaty and Commission Secretariat (possibly in cooperation with or supported by the CBD Secretariat)
	3-day meeting of Working Group Bureaus, back-to-back with workshop, to develop first draft ABS elements specific to their subsectors* Electronic collaboration
<b>2018</b>	Working Groups to review draft ABS elements specific to their subsectors, as prepared by the Bureaus
	ABS Expert Team to consolidate draft subsector-specific ABS elements, as reviewed by the Working Groups
<b>2019</b>	Seventeenth Regular Session of the Commission considers the draft subsector-specific ABS elements

\* For micro-organism and invertebrate genetic resources, the ABS Expert Team proposes to convene a group of seven regionally representative experts to be nominated by the Bureau of the Commission

## V. REQUIRED RESOURCES

34. *Appendix I* to this document contains a budget for the activities proposed by the ABS Expert Team.

## VI. GUIDANCE SOUGHT

35. The Commission may wish to

- (i) Request the Secretariat to continue working on ABS for GRFA with the aim of raising the awareness of Members, their diverse authorities involved in ABS and other stakeholders, to assist Members in reflecting in their ABS measures the importance of GRFA, their special role for food security and the distinctive features of the different subsectors, with a view to contribute to the achievement of Sustainable Development Goal (SDG) Targets 2.5 and 15.6, and to enable the subsectors to engage in a

<sup>48</sup> CGRFA-16/17/6, paragraph 36.



meaningful way and promote communication in relevant processes at local, national, regional, and international levels;

- (ii) Request the Secretariats of the Treaty and the Commission to convene an international workshop on *Access and benefit-sharing for genetic resources for food and agriculture*, as soon as practicable after the 16th Regular Session of the Commission, possibly in collaboration with or supported by the Secretariat of the CBD; the workshop should aim to raise the awareness of Commission Members and observers as well as other stakeholders and communities of practice of the issue of ABS and its relevance to GRFA and provide a forum for participants, including the Bureaus of the Working Groups, experts on micro-organism and invertebrate GRFA and the ABS Expert Team, to exchange information, experiences and views;
- (iii) Invite Members and observers to provide relevant inputs to the workshop by electronic means;
- (iv) Request the Bureaus of the Commission's Working Groups to meet immediately following the workshop for three days, to develop a first draft of subsector-specific ABS elements; and to convene, for the subsectors of micro-organism and invertebrate GRFA, a 3-day meeting of seven regionally representative experts to be nominated by the Bureau of the Commission to develop draft ABS elements for their subsectors;
- (v) Encourage the Bureaus of the Working Groups and the seven experts nominated for micro-organism and invertebrate genetic resources to work electronically throughout the process;
- (vi) Request the ABS Expert Team to reconvene to consolidate draft subsector-specific ABS elements, including draft ABS elements for micro-organism and invertebrate GRFA, for consideration by the Commission at its Seventeenth Regular Session;
- (vii) Request the Secretary to facilitate the process, including by
  - gathering information from countries, indigenous and local communities and stakeholders on use and exchange practices, relevant voluntary codes of conduct, guidelines and best practices, and/ or standards and community protocols as well as model contractual clauses on ABS specifically addressing GRFA;
  - gathering information from countries on how PIC or approval and involvement of indigenous and local communities is obtained under their jurisdictions and on experiences with the implementation of any relevant ABS measures in the case of GRFA;
  - gathering from relevant indigenous and local communities and other stakeholders information on their experiences as well as views regarding how countries can consider approaching PIC or approval and involvement of indigenous and local communities in the case of GRFA and associated traditional knowledge; and
  - gathering information from countries on their experiences with the use of the ABS Elements.
- (viii) Request the Secretaries of the Commission and the Governing Body of the Treaty to continue strengthening collaboration to promote coherence in the development and implementation of the respective programmes of work of the two bodies with regard to access and benefit sharing;
- (ix) Invite the Governing Body of the Treaty, in its continued governance of plant PGRFA according to Article 3 of the Treaty, to continue to closely coordinate with the Commission, in order to address in a complementary way the distinctive features and specific uses of PGRFA, bearing in mind the ongoing activities and processes under the Treaty, including the current process to enhance the functioning of the MLS and the

on-going cooperation to support the harmonious implementation of the Treaty, the CBD and the Nagoya Protocol;

- (x) Invite the Governing Body to exchange information with the Commission at regular intervals on the process to enhance the MLS with a view to avoiding duplication of efforts; and
- (xi) Consider whether to address, at its next session, access to and utilization of genetic information (variously characterized as ‘in silico utilization’, ‘dematerialisation’, and/or ‘genetic sequence data’).

**APPENDIX I**  
**REQUIRED EXTRABUDGETARY RESOURCES**  
**(all amounts in USD 1000s)**

	<b>2017</b>	<b>2018</b>
<b>International workshop on <i>Access and benefit-sharing for genetic resources or food and agriculture</i> (2 days)</b>		
Direct costs of the meeting (interpretation, messengers)	45	
Document preparation	25	
Documentation (translation/ printing)	50	
Travel/ DSA for Bureau Members/ ABS Expert Team/ speakers	75	
<b>ABS Expert Team, Fourth Session</b>		
Travel/ DSA		18
<b>Total:</b>		<b>213</b>