



CONVENTION ON BIOLOGICAL DIVERSITY

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AD HOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Second meeting

Montreal, 4–8 February 2002

Item 2.2 of the provisional agenda*

ORGANIZATIONAL MATTERS: ADOPTION OF THE AGENDA

Annotated provisional agenda

INTRODUCTION

1. The Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity was established by decision IV/9 of the Conference of the Parties to the Convention. It held its first meeting in Seville, Spain, from 27 to 31 March 2000. In paragraph 9 of its decision V/16, the Conference of the Parties extended the mandate of the Ad Hoc Open-ended Inter-Sessional Working Group to review progress in the implementation of the priority tasks of its programme of work according to reports provided by the Executive Secretary and the Parties to the meeting of the Working Group, and requested it to report to the Conference of the Parties at its sixth meeting. Accordingly, the second meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions will take place in Montreal from 4 to 8 February 2002.

ITEM 1. OPENING OF THE MEETING

2. The meeting will take place at the headquarters of the International Civil Aviation Organization (ICAO), in Montreal. It will be opened at 10 a.m. on Monday, 4 February 2002. Registration of participants will commence on Sunday, 3 February at 2 p.m.

* UNEP/CBD/WG8J/2/1.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. *Officers*

3. The Bureau of the Conference of the Parties will serve as the Bureau of the Working Group for this meeting. The President of the Conference of the Parties may, however, nominate a presiding officer for the plenary of the meeting.

2.2. *Adoption of the agenda*

4. The Working Group is invited to consider and adopt the provisional agenda contained in document UNEP/CBD/WG8J/2/1, which has been prepared by the Executive Secretary in conformity with decision V/16 of the Conference of the Parties.

2.3. *Organization of work*

5. In light of the number of matters to be addressed, and in accordance with past practice, the Working Group may wish to establish two sessional sub-working groups open to all Parties and observers with well defined terms of reference to ensure in-depth consideration of all the items on the agenda.

6. Should the Working Group decide to establish two sessional sub-working groups, it is proposed that the chairs of these groups should be elected at the first plenary session of the meeting.

7. The Working Group may want to consider the suggested timetable and division of responsibility between the plenary and the two sessional sub-working groups as proposed in the provisional organization of work in annex I below. According to the proposal, Sub-Working Group I would consider items 4 and 5 of the provisional agenda and Sub-Working Group II would take up items 6 and 7. There will be no more than two meetings convened at the same time, each with simultaneous interpretation.

8. Relevant United Nations departments and specialized agencies will be invited to provide plenary with reports on issues of relevance to the meeting being addressed by them.

9. A list of documents prepared for the meeting is provided in annex II below.

ITEM 3. REPORTS

3.1 *Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into the thematic programmes of the Convention on Biological Diversity*

10. In accordance with paragraph 8 of decision V/16 of the Conference of the Parties, the Executive Secretary has prepared a progress report on the integration of relevant tasks of the programme of work for the implementation of Article 8(j) in the thematic programmes of the Convention (UNEP/CBD/WG8J/2/2). The Working Group may wish to take note of the report and make recommendations as appropriate.

11. The Working Group may also wish to take note of the progress report on the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into the cross-cutting areas of the Convention on Biological Diversity, which is being circulated as an information document (UNEP/CBD/WG8J/2/INF/2).

3.2 Review of progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions

12. The Executive Secretary has prepared, a report of the review of progress of the implementation of the priority tasks of the programme of work on the implementation of Article 8(j) and related provisions (UNEP/CBD/WG8J/2/3). The Working Group may wish to consider recommendations for action on the basis of this review and views expressed in the course of the meeting.

ITEM 4. OUTLINE OF THE COMPOSITE REPORT ON THE STATUS AND TRENDS REGARDING THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

13. As part of the priority tasks of the programme of work on the implementation of Article 8(j) and related provisions, the Executive Secretary has prepared for this meeting a proposed outline, plan and timetable for the preparation of a composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities (UNEP/CBD/WG8J/2/5).

14. The Working Group may wish to formulate recommendations to the Conference of the Parties with respect to the proposed outline, plan and timetable, and preparation of the composite report.

ITEM 5. DRAFT GUIDELINES OR RECOMMENDATIONS FOR THE CONDUCT OF CULTURAL, ENVIRONMENTAL, AND SOCIAL IMPACT ASSESSMENTS REGARDING DEVELOPMENTS PROPOSED TO TAKE PLACE ON SACRED SITES AND ON LANDS AND WATERS OCCUPIED OR USED BY INDIGENOUS AND LOCAL COMMUNITIES

15. In task 9, under programme element 6 (monitoring), the Working Group is asked to develop, in cooperation with indigenous and local communities, guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on sacred sites and on lands or waters occupied or used by indigenous and local communities. The guidelines and recommendations should also ensure the participation of indigenous and local communities in the assessment and review process. The Executive Secretary has therefore prepared a note UNEP/CBD/WG 8J/2/6 to assist the Working Group in developing a set of guidelines for such impact assessment. In addition, an explanatory note to the draft guidelines (UNEP/CBD/WG8J/2/6/Add.1) has been provided to give background information.

ITEM 6. PARTICIPATORY MECHANISMS FOR INDIGENOUS AND LOCAL COMMUNITIES

16. As part of element 1 of the programme of work regarding participatory mechanisms for indigenous and local communities, the Executive Secretary has prepared a note (UNEP/CBD/WG8J/2/4) to assist the Working Group to develop appropriate mechanisms, guidelines, legislation, or other initiatives to promote the effective participation of indigenous and local communities, particularly women of such communities, in decision-making, policy planning and development, in relation to tasks 1, 2 and 4.

ITEM 7. ASSESSMENT OF THE EFFECTIVENESS OF EXISTING SUBNATIONAL, NATIONAL AND INTERNATIONAL INSTRUMENTS, PARTICULARLY INTELLECTUAL PROPERTY RIGHTS INSTRUMENTS, THAT MAY HAVE IMPLICATIONS ON THE PROTECTION OF THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES

17. In accordance with paragraph 13 of decision V/16 and task 11 of the programme of work, the Executive Secretary has prepared a note (UNEP/CBD/WG8J/2/7) to assist the Working Group in assessing the effectiveness of existing legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities as well as an assessment of national and international instruments, particularly intellectual property rights instruments, with a view to identifying synergies between these instruments and the objectives of Article 8(j). This note may also provide assistance to task 12 of the programme of work in the development of guidelines to assist Parties and Governments in developing legislation or other mechanisms, including the possibility of a *sui generis* system, and the definitions of relevant key terms and concepts in Article 8(j) and related provisions that recognize, safeguard and fully guarantee the rights of indigenous and local communities over their traditional knowledge, innovations and practices within the context of the Convention.

ITEM 8. OTHER MATTERS

18. Under this item, the Working Group will have the opportunity to consider any other items proposed and accepted for discussion.

ITEM 9. ADOPTION OF THE REPORT

19. At the end of the meeting, the Working Group will be invited to adopt its report, which will be presented to the Conference of the Parties at its sixth meeting for consideration.

ITEM 10. CLOSURE OF THE MEETING

20. The second meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions will be closed on Friday, 8 February 2002.

Annex I

PROVISIONAL ORGANIZATION OF WORK FOR THE SECOND MEETING OF THE AD HOC OPEN-ENDED INTERSESSIONAL WORKING GROUP ON ARTICLE 8(J) AND RELATED PROVISIONS OF THE CONVENTION

Biodiversity Convention	
<p>Monday 4 February 2002 10 a.m. to 1 p.m.</p> <p>Items:</p> <ol style="list-style-type: none"> 1. Opening of the meeting. 2. Organizational matters: <ol style="list-style-type: none"> 2.1 Officers; 2.2 Adoption of the agenda; 2.3 Organization of work. 3. Reports: <ol style="list-style-type: none"> 3.1 Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into the thematic programmes of the Convention on Biological Diversity; 3.2 Review of progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions. 	<p>Item 6: Participatory mechanisms for indigenous and local communities</p>
<p>3 - 6 p.m.</p>	<p>Item 4. Outline of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities</p>

Tuesday 5 February 2002 10 a.m. to 1 p.m.	Item 4. (continued)		Item 6 (continued)
3 - 6 p.m.	Item 5. Draft guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities.		Item 7. Assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge innovations and practices of indigenous and local communities
Wednesday 6 February 2002 10 to 1 p.m.	Item 5 (continued)		Item 7 (continued)
3-4 p.m.		Review of progress	
4 p.m. to 6 p.m.	Item 5 (continued)		Item 7 (continued)
Thursday, 7 February 2002 10 a.m. to 1 p.m.	Item 4 (continued)		Item 6 (continued)
3-6 p.m.	Item 5 (continued)		Item 7 (continued)
Friday 8 February 2002 10 a.m. to 1 p.m. and 3-5 p.m.		Adoption of recommendations under agenda items 4 to 7. Item 8: Other matters Item 9: Adoption of the report	

*Annex II***DOCUMENTS FOR THE SECOND MEETING OF THE AD HOC WORKING GROUP ON
ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION**

<i>Symbol</i>	<i>Title</i>
<i>A. Working documents</i>	
UNEP/CBD/WG8J/2/1	Provisional agenda
UNEP/CBD/WG8J/2/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG8J/2/2	Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into the thematic programmes of the Convention on Biological Diversity
UNEP/CBD/WG8J/2/3	Review of progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions
UNEP/CBD/WG8J/2/4	Participatory mechanisms for indigenous and local communities
UNEP/CBD/WG8J/2/5	Outline of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities
UNEP/CBD/WG8J/2/6	Draft guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities
UNEP/CBD/WG8J/2/6/Add.1	Background to the draft guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities
UNEP/CBD/WG8J/2/7	Assessment of the effectiveness of existing subnational, national and international instruments, particularly intellectual property rights instruments, that may have implications on the protection of the knowledge innovations and practices of indigenous and local communities
<i>B. Background/information documents</i>	
UNEP/CBD/WG8J/2/INF/1	Compilation and overview of existing instruments, guidelines, codes of ethics and other activities relevant to the programme of work
UNEP/CBD/WG8J/2/INF/2	Report on progress on the integration of relevant tasks of the programme of work on Article 8(j) and related provisions in the cross-cutting areas of the Convention on Biological Diversity
<i>C. Other documents</i>	
UNEP/CBD/COP/5/8	Report of the Panel of Experts on Access and Benefit-Sharing

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/2	Report of the Panel of Experts on Access and Benefit-sharing on the work of its second meeting
UNEP/CBD/COP/6/6	Report of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing
UNEP/CBD/COP/6/4	Report of the Subsidiary Body on Scientific, Technical and Technological Advice on the work of its seventh meeting
