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24 February 2009

NOTIFICATION

Access and Benefit-sharing: Expert Group on traditional knowledge associated with genetic resources – nomination of experts and submission of views

Dear Madam/Sir,

In its decision IX/12, paragraph 11, the Conference of the Parties decided, *inter alia*, to establish an Expert Group on traditional knowledge associated with genetic resources to further examine the issue of traditional knowledge associated with genetic resources in order to assist the Ad Hoc Open-ended Working Group on Access and Benefit-sharing. Following the kind invitation of the Government of India, the Expert Group will meet in Hyderabad, India, on 16-19 June 2009.

The terms of reference for the expert group, set out in Annex II C to the decision, are as follows:

“The expert group shall provide legal and technical advice, including, where appropriate, options and/or scenarios. The group of technical experts will address the following questions:

- (a) What is the relationship between access and use of genetic resources and associated traditional knowledge?*
- (b) What practical impacts should the negotiations of the international regime take into account based on the range of community level procedures and customary systems of indigenous and local communities for regulating access to traditional knowledge associated with genetic resources at the community level?*
- (c) Identify the range of community level procedures and determine to what extent customary laws of indigenous and local communities regulate access to genetic resources and associated traditional knowledge at the community level and its relevance to the international regime;*
- (d) To what extent measures to ensure compliance with prior informed consent and mutually agreed terms under Article 15 also support the prior informed consent of indigenous and local communities for the use of their associated traditional knowledge?*
- (e) Identify elements and procedural aspects for the prior informed consent of holders of associated traditional knowledge when traditional knowledge associated with genetic resources is accessed also taking into account potential transboundary contexts of such associated traditional knowledge and identifying best practice examples;*
- (f) Is there a basis for prior informed consent for indigenous and local communities relative to traditional knowledge associated to genetic resources in international law? If so, how can it be reflected in the international regime?*
- (g) Assess options, considering the practical difficulties and distinct implementation challenges, for including*

To: CBD National Focal Points and ABS National Focal Points, international organizations, indigenous and local communities and stakeholders



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traditional knowledge associated with genetic resources in a potential internationally recognized certificate issued by the competent domestic authority also by considering the possibility of a declaration on such certificate as to whether there is any associated traditional knowledge and who the relevant holders of traditional knowledge are;

(h) How to define traditional knowledge associated to genetic resources in the context of access and benefit-sharing?

Nomination of experts

The Conference of the Parties further decided that the group of experts shall be regionally balanced and composed of thirty experts nominated by Parties and fifteen observers, including seven observers from indigenous and local communities nominated by them, and remaining observers from, *inter alia*, international organizations and agreements, industry, research institutions/academia and non-governmental organizations.

In light of the above, Parties are hereby invited to submit the nomination of experts to the Secretariat at their earliest convenience, but **no later than 20 March 2009**. The nominees will be selected on the basis of relevant and recognized expertise with regard to the issues to be discussed by the meeting to ensure its successful outcome.

Indigenous and local communities, international organizations and agreements, industry, research institutions/academia and non-governmental organizations are also invited to submit the nomination of observers for participation in the expert group at their earliest convenience, but **no later than the above mentioned deadline**.

In order to facilitate the selection process, it is requested that the curriculum vitae of the nominated experts/observers be forwarded to the Secretariat along with the nominations.

Based on the nominations received, the Executive Secretary will recommend a list of experts and observers for the approval of the Bureau, in accordance with paragraph 12 of decision IX/12. Experts and observers will be selected on the basis of expertise, the need to ensure a fair and equitable geographical distribution, as well as gender balance.

Submission of views

In paragraph 15 of decision IX/12, the Conference of the Parties also invited Parties, Governments, international organizations, indigenous and local communities and relevant stakeholders to provide information and views related to the issues to be addressed by each expert group, six weeks prior to the convening of each group. Therefore, Parties, organizations, indigenous and local communities and relevant stakeholders are hereby invited to submit views and other information to the Secretariat **as soon as possible, but no later than 1 May 2009**.

Please note that submissions may be provided in any word processing format. Views and other information provided will be compiled by the Secretariat and made available to the expert group.

Please accept, Madam/Sir, the assurances of my highest consideration.

Ahmed Djoghlaif
Executive Secretary

