

PRESS RELEASE

NEGOTIATIONS ON AN INTERNATIONAL REGIME ON ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING TO CONTINUE IN MONTREAL

Montreal, 8 November 2009 – In what will possibly be the most important meeting in the history of the Convention’s Working Group on Access and Benefit-sharing, over 450 participants are expected to gather in Montreal on Monday, 9 November to continue the negotiation of an international regime on access to genetic resources and the fair and equitable sharing of benefits deriving from their utilization. It is hoped that this eighth meeting of the Working Group will make major advances leading to the finalization of the international regime at the next and last meeting of the Working Group, in March 2010 for its subsequent adoption by the Conference of the Parties at its tenth meeting, in Nagoya, Japan, in October 2010.

The tenth meeting of the Conference of the Parties coincides with the International Year of Biodiversity (IYB), which will provide an opportunity to raise awareness of the value of biodiversity for human well-being and a platform for the promotion of innovative solutions to the challenge of safeguarding biodiversity and using it in a sustainable manner. It is a critical window of opportunity to urge the world to act, and implement the policies needed to conserve and sustainably use biodiversity and to share the benefits from the use of genetic resources with equity. The adoption of an International Regime on Access and Benefit-sharing, is one of the key deliverables of the International Year.

In a joint statement, Timothy Hodges and Fernando Casas, Co-Chairs of the Working Group, said: “The Ad Hoc Open-ended Working Group on Access and Benefit-sharing remains the legitimate subsidiary body for the negotiation of the international regime under the Convention on Biological Diversity. This Group and its members are responsible for delivering on this mandate and must retain responsibility for doing so.”

Decision IX/12 of the ninth meeting of the Conference of the Parties calls for the Working Group, at its eighth meeting, to negotiate operational text on the nature of the regime, traditional knowledge associated with genetic resources, and capacity-building. In negotiating the nature of the text, the Working Group must clearly identify the components of the international regime to be addressed through legally binding measures, non-legally binding measures or a mix of the two. .

Regarding traditional knowledge associated with genetic resources and capacity-building, the Working Group must first draft text for further negotiation, including relevant recommendations from the Working Group on Article 8(j), the Convention’s subsidiary body mandated to discuss issues relating to the protection and promotion of traditional knowledge.

“It is our duty to the international community to bring this negotiation to a successful conclusion, thereby narrowing the gulf between material advance, on the one hand, and social and moral progress, on the other. This is what sustainable development is all about,” said Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity.

Background

Access to genetic resources and the fair and equitable sharing of benefits arising out of their utilization

The Convention on Biological Diversity recognizes the sovereign rights of States over their natural resources in areas within their jurisdiction. Parties to the Convention therefore have the authority to determine access to

genetic resources in areas within their jurisdiction. Parties also have the obligation to take appropriate measures with the aim of sharing the benefits derived from their use. This is one of the three fundamental objectives of the Convention.

Genetic resources, whether from plants, animals or micro-organisms, may be used for different purposes (e.g. basic research, commercialization of products). Users of genetic resources can include research institutes, universities and private companies operating in various sectors such as pharmaceuticals, cosmetics, agriculture, horticulture and biotechnology.

Benefits derived from genetic resources may include the result of research and development carried out on genetic resources, the transfer of technologies which make use of those resources, participation in biotechnological research activities, or monetary benefits arising from the commercialization of products based on genetic resources. One example of monetary benefits could be the sharing of royalties arising from patented products based on genetic resources.

In paragraph 44 (o) of the Plan of Implementation adopted at the World Summit on Sustainable Development, held in Johannesburg in September 2002, Heads of State and Government called for action to “negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”.

Working Group on Access and Benefit-sharing

The Ad Hoc Open-ended Working Group on Access and Benefit-sharing was established by the Conference of the Parties at its fifth meeting, held in Nairobi in May 2000. The initial mandate of the Working Group was to develop guidelines and other approaches to assist Parties and stakeholders with the implementation of the access and benefit-sharing provisions of the Convention.

In 2004, the Conference of the Parties mandated the Working Group to elaborate and negotiate an “international regime on access to genetic resources and benefit-sharing” in order to effectively implement the relevant provisions of the Convention. In 2006, the Working Group was urged by the Conference of the Parties to complete the negotiation of the international regime as soon as possible and no later than 2010.

At the ninth meeting of the Conference of the Parties, held in Bonn in May 2008, Parties agreed on a schedule of meetings to complete the elaboration and negotiation of the international regime on access and benefit-sharing before the tenth meeting of the Conference of the Parties, to be held in 2010, in Nagoya, Japan. The Parties further agreed on the text which shall provide the basis for the future elaboration and negotiation of the international regime

For more information, please follow the links below:

ABS: www.cbd.int/abs,

COP decisions: www.cbd.int/abs/decisions.shtml

International regime: www.cbd.int/abs/ir.shtml,

Bonn Guidelines: www.cbd.int/abs/bonn.shtml

The Convention on Biological Diversity (CBD)

Opened for signature at the Earth Summit in Rio de Janeiro in 1992, the Convention on Biological Diversity is an international treaty for the conservation and sustainable use of biodiversity and the equitable sharing of the benefits from utilization of genetic resources. With 192 Parties, the CBD has near-universal participation among countries committed to preserving life on Earth. The CBD seeks to address all threats to biodiversity and ecosystem services, including threats from climate change, through scientific assessments, the development of tools, incentives and processes, the transfer of technologies and good practices and the full and active involvement of relevant stakeholders including indigenous and local communities, youth, NGOs, women and the business community. The headquarters of the Secretariat of the Convention are located in Montreal.

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