



**CONVENTION ON
BIOLOGICAL DIVERSITY**

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CONVENTION ON BIOLOGICAL DIVERSITY

TO

**THE THIRD MEETING OF THE AD HOC OPEN-ENDED
WORKING GROUP ON ACCESS AND BENEFIT SHARING**

Bangkok, Thailand, 14-18 February 2005

Distinguished delegates,
Ladies and Gentlemen,

I would like to welcome you all to the third meeting of the Ad Hoc Open-ended Working Group on Access to Genetic Resources and Benefit-sharing to the Convention on Biological Diversity.

May I first express my deep appreciation to the Government and people of Thailand for their generosity in hosting this meeting and for their warm hospitality. Thailand has long been a staunch supporter of the Convention on Biological Diversity, and its offer to host this meeting, together with the tenth meeting of SBSTTA last week, is a testimony to its commitment to the Convention process and the achievement of its objectives.

May I also take this opportunity to thank those donors who contributed funds to enable the participation of representatives from developing countries and countries with economies in transition. They are: Austria, Norway, Switzerland, the Christensen Foundation and the host country, Thailand. Given the nature of your agenda, it is particularly important to ensure wide and geographically representative participation. These contributions—and others like them in the past—are essential to the success and credibility of our work.

Mr. Chairman

Those of you who were here last week for the tenth meeting of SBSTTA are already well familiar with the graciousness of our hosts and the excellent facilities and support provided by the United Nations Conference Centre. Both these factors contributed much to the smooth running and general success of that meeting.

Last week, SBSTTA moved forward on two major fronts. First, after much discussion, it gave shape to a draft programme of work on island biodiversity that will be submitted to the Conference of the Parties when it meets in Brazil in May next year. Secondly, it made a great deal of progress in developing and refining the indicators and sub-targets that will guide efforts to achieve the 2010 biodiversity target and be instrumental in assessing the progress made. Of particular relevance to this meeting was the reaffirmation by SBSTTA of the importance of this Working Group developing headline indicators on the status of access and benefit-sharing.

In all, SBSTTA adopted a total of 13 recommendations, including those on island biodiversity—the main theme of the meeting, various strategic issues linked to the achievement of the 2010 target and the Millennium Development Goals, and other scientific and technical issues, such as those relating to agricultural biodiversity, the Global Taxonomy Initiative and biodiversity and climate change, that had been referred to it by the Conference of the Parties.

Mr. Chairperson, Distinguished delegates,

The trade-off between access to genetic resources and the sharing of benefits from their use is one of the pillars of the Convention. For many years, work on the subject moved extremely slowly—or hardly moved at all. It was not until the establishment, first, of the Panel of Experts on Access and Benefit-sharing in 1998 and then of this body in 2000 that the momentum began to pick up.

Looking back, this Working Group has accomplished a great deal in a very short time. At the end of its first meeting—less than five working days—it already had produced a draft that served as the basis for the Bonn Guidelines adopted by the Conference of the Parties in 2002. By the end of its second meeting, it had succeeded in outlining a process for the negotiation of an international regime on

access and benefit-sharing and in developing a comprehensive Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing.

This week you face a twofold challenge: first, to continue ongoing work in such areas as the use of terms, other approaches to complement the Bonn Guidelines, and measures to support compliance; and, secondly, to start the process of negotiating an international regime on access to genetic resources and benefit-sharing, as mandated by the Conference of the Parties. In facing this challenge, I think you can draw comfort and inspiration from your past success.

Mr. Chairman

The adoption of the Bonn Guidelines was a major breakthrough in operationalizing the provisions of the Convention concerning access and benefit-sharing and, by the same token, in strengthening the Convention's role as an engine for sustainable development. At the same time, however, the Conference of the Parties made it clear that the Guidelines were just a first step in an evolutionary process.

This meeting brings us to a further step in that process, with the start of negotiations for an international regime on access and benefit-sharing. The decision by the Conference of the Parties to give you this mandate was a direct response to the call made at the highest political level at the World Summit on Sustainable Development. This decision marks the beginning of a new phase in the implementation of the Convention, one that takes on special significance for many Parties. It also takes on a wider significance in that it is a test of the Convention's ability to respond to tasks set by the broader international community and to deliver on the expectations that have been placed in it.

One should not underestimate the difficulties that lie ahead. The concept of an international regime raises complex environmental, political, socio-economic and legal issues. The challenge is to bring the various pieces of this

puzzle into a coherent whole. This will be no easy task. However, as I have already noted, other complex issues have been successfully negotiated within the framework of the Convention, including in this Working Group. I am confident that you will, once again, rise to the challenge and, through your diligent work, demonstrate the effectiveness of the Convention process.

To assist you in your deliberations on the international regime, the Secretariat has prepared an analysis of national, regional and international legal instruments relating to access and benefit-sharing and experiences gained in their implementation, including the identification of gaps, and a compilation of views, information and analysis on the elements of the international regime.

Mr. Chairman,

In addition to the international regime, there are a number of other issues on the agenda. These issues first arose in the context of discussions leading to the adoption of the Bonn Guidelines and need further consideration both in their own right and in light of the negotiations of the international regime. They include: the use of terms; other approaches to assist with the implementation of access and benefit-sharing, including an international certificate of origin/source/legal provenance; and measures to ensure compliance with prior informed consent of the Contracting Party.

The use of terms—or, more precisely, the use of terms not defined in the Convention—has been on your agenda for some time. At its seventh meeting, the Conference of the Parties, in decision VII/19 B, requested this Group to further examine the issue, including the possible establishment of an expert group to determine the need for definitions or a glossary. To assist you in your task, the Secretariat, as requested by the Conference of the Parties, has prepared a compilation of existing definitions of a number of terms, together with some views on whether additional terms should be included. We hope the compilation will help you to move forward on this subject.

When addressing the issue of other approaches to complement the Bonn Guidelines, the Working Group will be invited to consider the compilation of information that the Secretariat has distributed in accordance with the request of the Conference of the Parties in its decision VII/19 C. As indicated by the Conference of the Parties in that decision, these other approaches might include inter-regional and bilateral arrangements as well as an international certificate of legal provenance/origin or source.

The Secretariat has also prepared an overview of measures taken by Governments to ensure compliance with prior informed consent of the Party providing genetic resources and mutually agreed terms on which access was granted.

The final matter on your agenda derives from decision VII/30 of the Conference of the Parties, on the future evaluation of progress toward the implementation of the Strategic Plan of the Convention and the achievement of the target of significantly reducing the currently rate of biodiversity loss by 2010. In that decision, the Conference of the Parties decided to develop a framework to enhance the evaluation of achievements and progress in the implementation of the Strategic Plan. The framework includes seven focal areas, one of which is “Ensuring the fair and equitable sharing of benefits arising out of the use of genetic resources”. The Conference of the Parties further agreed that a limited number of trial indicators should be developed to assess progress at the global level towards the 2010 target and to communicate effectively trends in those focal areas. Accordingly, the Conference of the Parties requested this Working Group to identify indicators for access and benefit-sharing and to report back to the Conference of the Parties at its eighth meeting, to be held in Brazil in May 2006. Last week, as I have already mentioned, SBSTTA reaffirmed the importance of your doing so. Some further background and suggestions are before you in the documentation for the meeting.

I trust that the various documents prepared by the Secretariat, as well as several others submitted by Parties and organizations, will provide a solid basis for your work.

Last but not least, I invite you to keep in mind the importance of capacity-building and to take into account the Action Plan on Capacity-building for access and benefit-sharing adopted in decision VII/19 F in your negotiations on an international regime on access and benefit-sharing.

Finally, I wish to assure you as usual of the full support of the Secretariat in your deliberations and wish you the best of luck for a successful meeting.

Thank you