



# Secretariat of the Convention on Biological Diversity

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Biodiversity and Climate Change

**Statement by Dr. Ahmed Djoghlaif,  
Executive Secretary of the Convention on Biological Diversity, to the  
International Indigenous and Local Community Consultation on  
Access and Benefit-sharing and the development of an International Regime**

**Montreal, 19-21 September 2007**

At the beginning of this week, the Secretariat of the Convention on biological Diversity was honoured to host, for the first time in its history, the annual meeting of the United Nations Inter-Agency Support Group on Indigenous Issues. This meeting took place two days after the historical adoption on 13 September of the United Nations Declaration on the Rights of Indigenous Peoples. Some members of the Group took necessary measures to stay with us this afternoon to contribute to the International Indigenous and Local Community Consultation on Access and Benefit-sharing and the Development of an International Regime.

Today, we are honored to welcome members of this Group of Experts on Access and Benefit-sharing and the Development of an International Regime. It is for the first time that such a consultation has been convened. It is therefore an important event as it is taking place two days before the convening of the fifth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (ABSWG-5). The October meeting may be the fifth, but it is the first after the Curitiba Conference which decided that the International Regime shall be finalized before 2010. It will also be the first time that the working group will be convened under the chairmanship of two co-chairs, Mr. Tim Hodges from Canada and Mr. Fernando Casas from Colombia.

This meeting would not have been possible without the continued support of Spain. I would therefore like to welcome you here today to the International Indigenous and Local Community Expert Seminar on Access and Benefit-sharing and the Development of an International Regime. This meeting is part of a historic journey that we take together, hand in hand, to build an international regime for access to genetic resources and benefit sharing – an international regime that is, if I can borrow from the objective of the work programme for Article 8(j), a just implementation of the Convention.

Indigenous and local communities have worked with and manipulated genetic resources for millennia, perhaps not in laboratories but in the field on the lands and territories of their ancestors. Every time indigenous have breed hybrid animals or plants to increase their strength, drought and disease resistance, and diversity, indigenous peoples have added to the great diversity of life of Earth. But now that diversity is threatened and life on Earth hangs perilously in the balance.

As we are rapidly approaching the target date of 2010 to reduce significantly the loss of biodiversity, we must fully recognize and value the contribution that traditional knowledge can make to the achievement of the three pillars of the Convention: the conservation of biological diversity, its sustainable use and the fair and equitable sharing of benefits arising from the utilization of genetic resources. The active involvement of indigenous and local communities around the world is therefore essential if we are to achieve the goals of the Convention.



As you know, the Convention has entered a new enhanced implementation stage. The active engagement of indigenous and local communities is, more than ever, crucial to its success. Furthermore, a strong relationship between the Secretariat and indigenous and local communities is vital and this meeting has a special role to play as a bridge between the negotiations of an International regime and world's indigenous and local communities

At its 7<sup>th</sup> and 8<sup>th</sup> meetings, the Conference of the Parties decided to mandate the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, with the collaboration of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, [...] to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing with the aim of adopting an instrument/instruments to effectively implement the provisions in Article 15 and Article 8(j) of the Convention and its three objectives.

The negotiation of the international regime is to be completed at the earliest possible time before the tenth meeting of the Conference of the Parties, in 2010.

The COP also requested the collaboration and contribution of the Working Group on Article 8(j) and related provisions to the fulfillment of the mandate of the Working Group on ABS by providing views on the elaboration and negotiation of an international regime on access and benefit sharing as it related to traditional knowledge, innovations and practices associated with genetic resources.

In the run-up to the 5<sup>th</sup> meeting of the WGABS next month, foremost in my mind has been how best to assist indigenous and local communities to effectively participate in these discussions and thanks to a generous donation from the Government of Spain and their shared concern that indigenous and local community representatives effectively participate in this process, this expert seminar has been arranged after close discussions with indigenous and local community representatives, in order to promote an in-depth discussion that will make a substantive contribution and feed into the 5<sup>th</sup> meetings of the WGABS and the WG8(j). This meeting provides a unique opportunity for a deep discussion amongst diverse indigenous and local community representatives that has the potential to provide a solid contribution to the development of an international regime for ABS. Participants will have the opportunity to provide advice concerning different approaches to access and benefit sharing from diverse regions that can enrich the discussions in the 5<sup>th</sup> and 6<sup>th</sup> meetings of the WGABS.

If the WGABS is to achieve its ambitious target, to develop an international regime in only two years, indigenous and local communities must move beyond rhetoric to a solutions-oriented approach to the issues raised or frankly they risk alienating themselves from the process.

The scope of the negotiations<sup>1</sup> includes: traditional knowledge, innovations and practices in accordance with Article 8(j). In addition, possible elements identified by the Conference of the Parties for inclusion in the international regime include the following related to Article 8(j):

(x) Measures to ensure compliance with prior informed consent of indigenous and local communities holding traditional knowledge associated with genetic resources, in accordance with Article 8(j).

(xiv) Disclosure of origin/source/legal provenance of genetic resources and associated traditional knowledge in applications for intellectual property rights.

(xv) Recognition and protection of the rights of indigenous and local communities over their traditional knowledge associated to genetic resources subject to the national legislation of the countries where these communities are located.

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<sup>1</sup> The scope is outlined in Annex to decision VII/19 D

(xvi) Customary law and traditional cultural practices of indigenous and local communities.

(xviii) Code of ethics/code of conduct/models of prior informed consent or other instruments in order to ensure fair and equitable sharing of benefits with indigenous and local communities.

These issues may provide some structure to your discussions this week.

The report of this meeting will feed directly into the 5<sup>th</sup> meeting of the WG ABS and the 5<sup>th</sup> meeting of the WG 8(j) as an information document and as such will provide a useful focused contribution to the discussions under the relevant agenda items. At the Working Groups all the participants will have an opportunity to make their further contributions, individually and collectively.

However, such quality opportunities as this meeting, during the negotiations of an international regime, will be scarce, and I urge you to seize this opportunity and make the most of it. The value and importance of your contribution is immeasurable and the outcomes of this seminar may very well form the foundations to address traditional knowledge related issues within the framework of the negotiations of the international regime.

Some other opportunities, to which I would like to draw your attention, include the direct interaction with the two co-chairs at an event to be organized at the margins of the working group. In addition, the CBD Alliance is hosting an access and benefit-sharing strategy meeting in Montreal on 5-7 October 2007, which is open to all indigenous and local community representatives.

I am confident that these events will provide ample opportunity for a broader consultation of indigenous and local community representatives prior to the 5th meeting of the Working Group on ABS.

Furthermore, as you are aware, this week the CBD's Secretariat is acting as host of the annual meeting the United Nations Inter-Agency Support Group on Indigenous Issues, which occurred immediately prior to this event. At the request of the co-chairs (Ms. Joji Carino and Mr. Mindahi Bastida) and Rapporteur (Mr. Mattias Ahren), I have requested that members of the IASG with an interest in ABS issues remain on for this consultation, to provide advice in a technical capacity to the meeting's participants. I thank those agencies which have remained on for this consultation.

I look forward to the establishment of a strategic partnership between the Secretariat and the members of the International Consultation Group throughout the negotiation and finalization of the International Regime on ABS.

I also look forward to working with you and your representative organizations to ensure the full implementation of the objectives of the Convention for the benefit of your communities, the environment and the peoples of the world.

I thank you for your attention and wish you a successful and productive meeting.

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