



Secretariat of the  
**Convention on Biological Diversity**



INTERNATIONAL  
DAY FOR BIOLOGICAL  
DIVERSITY  
**22 May 2008**  
**BIODIVERSITY  
AND AGRICULTURE**

**STATEMENT**

**by**

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**EXECUTIVE SECRETARY OF THE CONVENTION ON BIOLOGICAL  
DIVERSITY**

**at the twelfth session**

**of the**

**INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL  
PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE  
AND FOLKLORE**

**World Intellectual Property Organization**

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Mr. Chairman,  
Distinguished Delegates,  
Ladies and Gentlemen,

Thank you for the opportunity to address this meeting and to provide you with an update of ongoing activities under the framework of the Convention on Biological Diversity.

As you may be aware, the ninth meeting of the Conference of the Parties will be held in Bonn in May 2008. As part of the enhanced implementation of the Convention, a major effort is being made to achieve the target of a significant reduction of the current rate of biodiversity loss by 2010, as agreed by the Heads of State and Government at the World Summit on Sustainable Development in 2002.

These efforts include measures to increase worldwide awareness of the Convention on Biological Diversity by reaching out not only to Governments but also to key partners and major groups of stakeholders in the protection of biological diversity, including international organizations, scientific and technical bodies, indigenous and local communities, industry and the private sector. Accordingly, just prior to this meeting, the Secretariat of the Convention participated with the WIPO Secretariat in the workshop with indigenous representatives held at Château de Bossey close to Geneva, on 22-23 February 2008, and jointly organized with the International Centre for Trade and Sustainable Development (ICTSD) and the Government of Switzerland, and with the technical support of the Indigenous Peoples' Center for Documentation, Research and Information (doCip).

As you know the work carried out in the IGC is of great relevance to the work of the Convention, particularly as it relates:

- To the implementation of the third objective of the Convention, namely, the fair and equitable sharing of benefits arising out of the utilization of genetic resources,
- To the respect, preservation and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity and to the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices; and
- To access to and transfer of technologies, an important component in the implementation of the Convention.

I would therefore like to take this opportunity to brief you on some of the recent developments in these three areas of work of the Convention.

*Access to genetic resources and the equitable sharing of benefits from their utilization*

Mr. Chairman,  
Distinguished delegates,

With respect to access to genetic resources and benefit-sharing, you will recall that at its eighth meeting, held in March 2006, the Conference of the Parties instructed the Convention's Ad Hoc Open-ended Working Group on Access and Benefit-sharing to complete the negotiation of the international regime on access and benefit-sharing as soon as possible before the tenth meeting of the Conference of the Parties.

The Working Group on Access and Benefit-sharing has met twice since that time: in Montreal from 8 to 12 October 2007, and in Geneva, from 21 to 25 January 2008. The latter meeting provided an opportunity for those involved in discussions related to the intellectual property and trade aspects of genetic resources here in Geneva to become more familiar with the work of the Working Group, thus contributing to a greater mutual understanding among the environmental, trade and intellectual property communities, of the issues and concerns at the heart of the negotiation of an international regime on access and benefit-sharing.

I am pleased to report that significant progress has been made in the negotiations of the international regime. Indeed, the Working Group has now successfully circumscribed the main components of the international regime and embarked in the negotiation of its main objective. With respect to the issues of the nature and scope of the international regime, options have been put forward by Parties.

At its ninth meeting, in Bonn in May 2008, the Conference of the Parties is expected to take note of the progress made and to urge the Working Group to complete its work, as planned, before the tenth meeting of the Conference of the Parties.

*Traditional knowledge (Article 8(j) and related provisions of the Convention on Biological Diversity)*

Mr. Chairman,

Turning now to traditional knowledge relevant to biological diversity. In light of the relationship between the work on traditional knowledge and access and benefit-sharing, the Conference of the Parties invited the Working Group on Article 8(j) and Related Provisions of the Convention to contribute to the negotiation of the international regime on access and benefit-sharing.

At its eighth meeting, the Conference of the Parties acknowledged the work being done in this Committee on the intellectual property aspects of *sui generis* systems for the protection of traditional knowledge, as well as the discussions within the World Trade Organization to examine the relationship between the TRIPs Agreement and the Convention as regards the protection of traditional knowledge.

As requested by the Conference of the Parties, the Working Group on Article 8(j), at its fifth meeting, last October, continued its work to identify priority elements of *sui generis* systems. The Working Group recognized that the elements identified are useful to consider, as and when Parties and governments develop *sui generis* systems to protect traditional knowledge. The Executive Secretary has been tentatively requested<sup>1</sup> to update his note (UNEP/CBD/WG8J/5/6) in light of case-studies and experiences received for the consideration of the sixth meeting of the Working Group on Article 8(j), which is likely to occur sometime in 2009.

Some Parties have suggested that *sui generis* systems may be a possible contribution to the protection of traditional knowledge within the context of an international regime on access and benefit-sharing. Others have suggested that the draft elements of a code of ethical conduct may also be a useful contribution, but there is no consensus on these issues at this time.

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<sup>1</sup> The recommendations of the 5<sup>th</sup> meeting of the Working Group will be considered for possible adoption by the ninth meeting of the Conference of the Parties in May 2008.

Other elements of the work programme on traditional knowledge of particular interest to this Committee, which are being addressed in preparation for the next meeting of the Working Group on Article 8(j) include:

- The completion of the composite report on status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity, including the identification of national processes that may threaten the maintenance, preservation and application of traditional knowledge and the identification of processes at the local community level that may threaten the maintenance, preservation and application of traditional knowledge;
- Further to the completion of the composite report, under the plan of action for the retention of traditional knowledge, Parties, Governments and indigenous and local communities have been invited to report on positive measures for the retention of traditional knowledge in areas relevant for the conservation and sustainable use of biological diversity.
- The further development of draft elements of a code of ethical conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, for submission to the Conference of the Parties at its tenth meeting for its consideration and possible adoption;
- The Executive Secretary has been requested to collaborate with WIPO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Permanent Forum on Indigenous Issues to address both the potential benefits and threats of the documentation of traditional knowledge and to make the results available at the sixth meeting of the Working Group on Article 8(j);
- The convening of regional and subregional workshops to assist indigenous and local communities in capacity-building, education and training, and networking with particular emphasis on the participation of women; and
- The intensification of efforts to promote the voluntary fund for indigenous and local community participation in meetings held under the Convention.

As you will appreciate, the work of the Convention on traditional knowledge and the work of this Committee, therefore, continue to be highly complementary.

#### *Technology transfer and cooperation*

With regard to technology transfer and cooperation, I am pleased to report that a technical study on the role of intellectual property rights in technology transfer in the context of the Convention has been finalized in cooperation with the secretariats of UNCTAD and WIPO, and will be submitted to the Conference of the Parties at its ninth meeting. The study provides a succinct review of the different impacts, and the associated benefits and costs, of intellectual property rights that may arise during the different phases of technology transfer under the Convention, and identifies potential options to increase synergy and overcome barriers to technology transfer and cooperation. I am confident that this study will assist Parties in their

cooperation in order to ensure that patents and intellectual property rights are supportive of, and do not run counter to, the objectives of the Convention. I wish to take this occasion to thank the WIPO Secretariat for their contribution to the preparation of this important study.

An Ad Hoc Technical Expert Group on Technology Transfer and Scientific and Technological Cooperation met in Geneva from 10 to 12 September 2007. The meeting identified and analysed ongoing tools, mechanisms, systems and initiatives to promote the implementation of the provisions of the Convention on technology transfer and scientific and technological cooperation, and developed a draft strategy for the practical implementation of the programme of work, which will be considered for adoption by the Conference of the Parties at its ninth meeting. I am pleased to report that the experts integrated into their draft strategy a number of the options identified in the aforementioned technical study prepared in cooperation with UNCTAD and WIPO.

Mr. Chairman,  
Distinguished delegates,

The CBD Secretariat looks forward to continued collaboration with WIPO in the framework of the Memorandum of Understanding between the two institutions. Clearly, there are many areas of mutual interest in the work of the Convention on Biological Diversity and WIPO, particularly with regard to this Intergovernmental Committee.

Finally, I wish you every success in the continuation of your deliberations in the course of this twelfth session and I am confident that they will also contribute to and complement the work of the Convention on Biological Diversity with regard to access to genetic resources and benefit-sharing, as well as traditional biodiversity-related knowledge.

Thank you.