South-South Exchange Meeting on the Conservation and Sustainable Use of Forest Biodiversity, 8-10 July 2009

ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

Achieving the
2010
Biodiversity
Target

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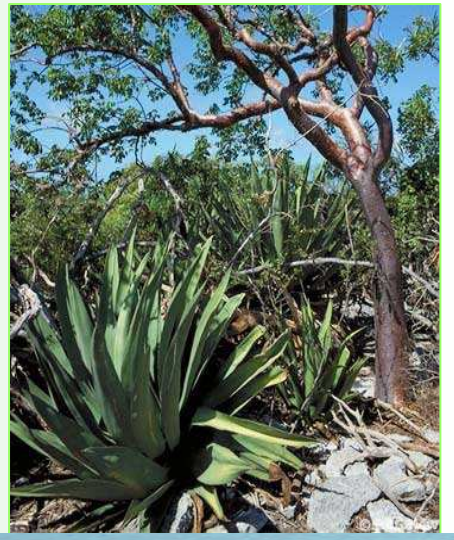
Outline

1. ABS provisions
2. ABS in practice
3. Bonn Guidelines
4. ABS Implementation
5. International Regime

Provisions of the CBD

Objectives:

- Conservation of biological diversity
- Sustainable use of its components
- Fair and equitable sharing of the benefits arising out of the utilization of genetic resources



Provisions of the CBD

Article 15 of the CBD

- Sovereign rights of States over their natural resources
- Parties to facilitate access to genetic resources for environmentally sound purposes
- Access subject to prior informed consent and granted on mutually agreed terms
- Parties to take measures to share benefits from the utilization of genetic resources, on MAT

Provisions of the CBD

Article 8 (j)

- Protection of traditional knowledge and equitable sharing of benefits arising from the utilization of such knowledge, innovations and practices

Articles 16 (3)

- Priority access to technologies for Parties providing genetic resources

Article 19 (1) (2)

- Effective participation in biotechnological research activities for Parties providing genetic resources
- Access to the results and benefits arising from biotechnologies based upon genetic resources provided by these Parties

ABS in practice

Different type of genetic resources

Animal, plant, microbial

Used for different purposes

Research and/or commercialization

Different types of users operating in different sectors

- pharmaceuticals
- seed and crop protection
- personal care and cosmetics
- botanicals and horticulture

A large number of actors involved, rarely one provider and one user (e.g. intermediaries)

ABS in practice – forest related case study

The use of Prostratin extracted from the bark and stemwood of the mamala tree (*Homalanthus nutans*) found in Samoa, to increase the efficiency of AIDS fighting drugs.

Use of mamala tree to cure AIDS

Background:

A researcher of UC Berkeley was taught by two traditional healers how to use the bark of the mamala tree to treat patients with infectious diseases, such as hepatitis. Subsequent experiments showed that the active component may be effective in fighting the HIV virus.

Actors involved:

- Providers: The Samoan Government, villagers and healers who taught the researchers how to use the plant
- Users: US National Cancer Institute (NCI), AIDS Research Alliance of America, University of California, Berkeley

Use of mamala tree to cure AIDS

How the genetic resource is used:

- The selected gene is extracted from the tree to develop a drug which could help increase the efficiency of AIDS fighting drugs. The gene is to be cloned in order to produce a stable supply of prostatin.

ABS agreements:

- PIC: Permission was given by the Samoan govt, local chiefs and healers to the NCI, AIDS ARA, UC of Berkeley scientist to study medicinal plants in Samoa.
- MAT: Agreements signed ensuring that proceeds from any commercial revenues of Prostratin-derived drugs will be shared with the people of Samoa who helped discover the tree and its properties.

Use of mamala tree to cure AIDS

Examples of benefits provided for in the agreements:

Non-monetary:

- Capacity-building presentations on genetic engineering given to local inhabitants in their native language.
- UC Berkeley to acknowledge intellectual contribution of Samoa to this research in publications etc. (traditional knowledge)

Monetary:

- $480,000 supplied to local villages for schools, medical clinics, water supplies, trails, an aerial rain forest canopy walkway, and an endowment for the local rain forest.
- Share of the royalties (20 to 50%) with the Government of Samoa and the villages.

COP 6 - Bonn Guidelines

Voluntary guidelines to assist Governments and stakeholders, 2002:

- Establishing **legislative, administrative or policy measures** on access and benefit-sharing
- Negotiating **contractual arrangements** for access and benefit-sharing

Bonn Guidelines

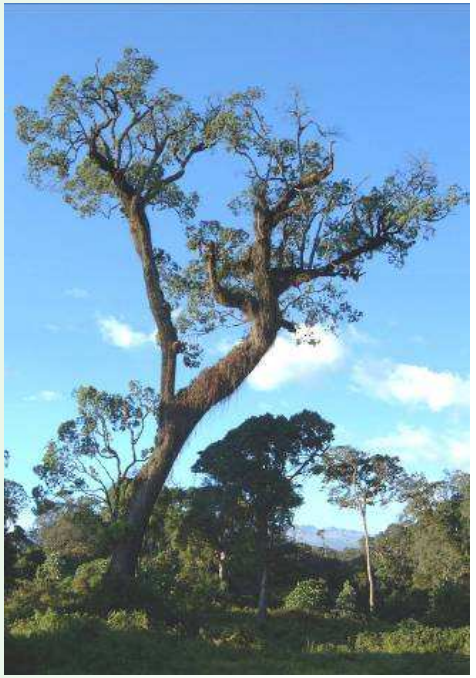
They address:

- Roles and responsibilities in ABS
- Participation of stakeholders
- Steps in the ABS process

Bonn Guidelines

Steps in the ABS process

- Overall strategy
- Prior Informed Consent
  - Basic principles of PIC
  - Elements of PIC
- Mutually Agreed Terms
  - Basic requirements for MAT
  - Indicative list of MAT
  - Benefit-sharing

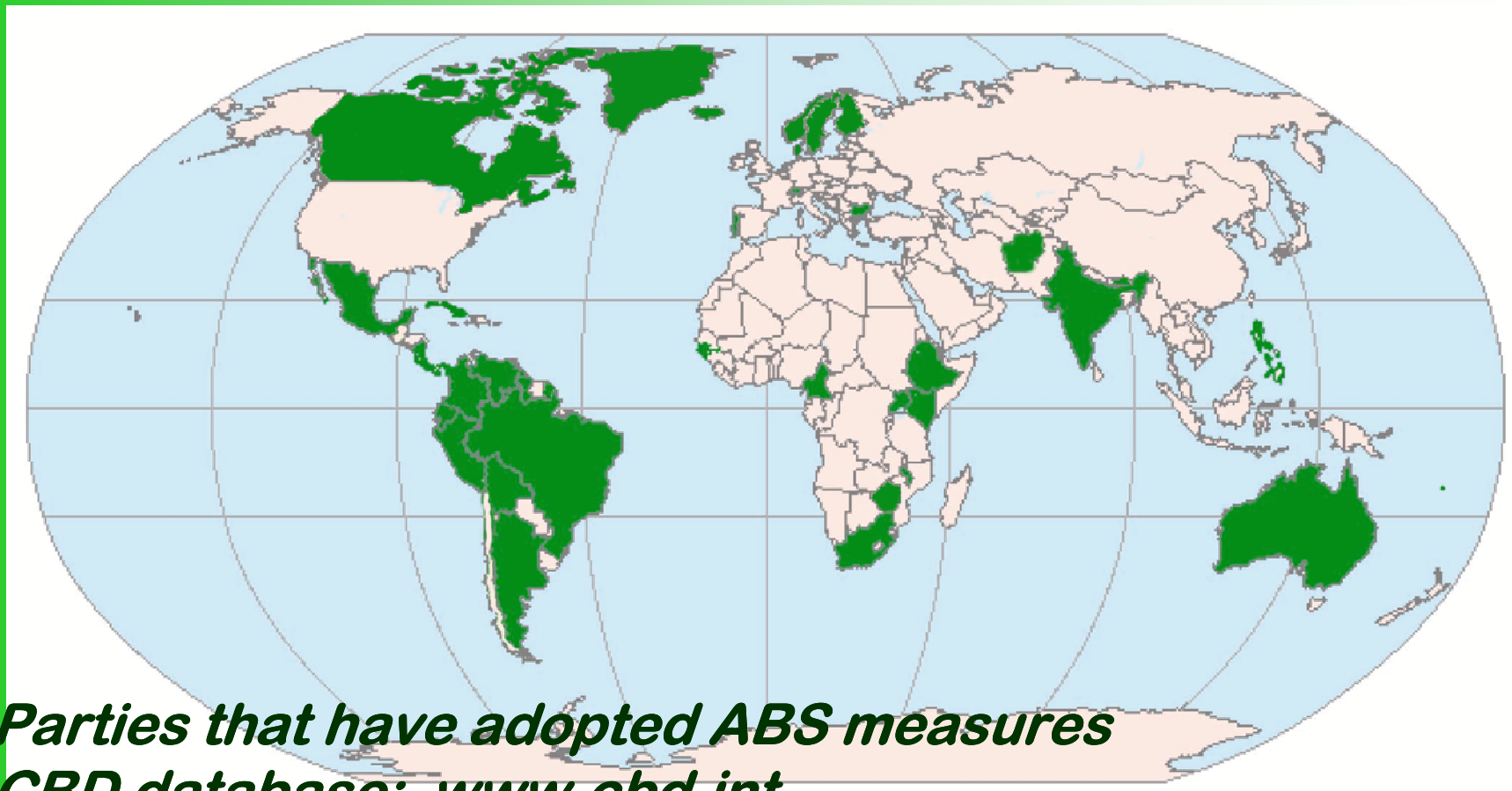


Bonn Guidelines

Roles and Responsibilities

- **National Focal Point**
  - to be designated by each Party
- **Competent National Authority**
  - responsible for granting access
- **Users and Providers**
  - Contracting Parties providing the genetic resource
  - Providers
  - Users
  - Contracting Parties with users of genetic resources under their jurisdiction

ABS Implementation



Parties that have adopted ABS measures
CBD database: www.cbd.int

ABS Implementation

ABS National Focal Points

- designated by 108 Parties + 1 Non-Party

ABS Competent National Authorities

- designated by 15 Parties

National/regional measures

- Approximately 60 countries have adopted ABS measures
- Variety of approaches and measures adopted by Parties

International Regime on ABS

WSSD, Johannesburg, 2002 Plan of Implementation:

- **Par. 44(o) calls 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*."**

International Regime on ABS

COP 7, 2004 (decision VII/19D)

- Mandate: Working Group on ABS with collaboration of the Working Group on 8(j) to negotiate an international regime on access and benefit-sharing with the aim of adopting an instrument/instruments to implement the provisions in Articles 15 and 8(j) and the three objectives of the Convention (par. 1 of decision VII/19D)

International Regime on ABS

COP 8, 2006

- Deadline: 2010
- Co-chairs designated

COP 9, 2008: Nagoya Roadmap

- Process set out for adoption of International Regime on ABS at COP 10, in October 2010
  - WG-ABS 7, Paris, April 2009
  - WG-ABS 8, Montreal, November 2009
  - WG-ABS 9, Colombia, March 2010
  - Regional consultations

International Regime on ABS

Issues covered in the negotiation process

- **Main components**
  - Access
  - Benefit-sharing
  - Compliance
  - Traditional knowledge associated with genetic resources
  - Capacity-building
- **Other issues**
  - Nature
  - Scope
  - Objective

International Regime on ABS

Why it is important

- International Regime to set out clear and transparent rules for ABS
- Ensure that biodiversity rich countries obtain a fair and equitable share of benefits arising out of the use of genetic resources originating from their territories
- Sharing of benefits, through technology transfer, research results, training and profits can contribute to poverty reduction and sustainable development
- Access to genetic resources can contribute to further research and development contributing to human well being through its use in pharmaceuticals, cosmetics, agriculture and other sectors
- Access to genetic resources essential to ensure better understanding of the world wide web of life through taxonomic research.

Thank you for your attention!

Achieving the
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Biodiversity
Target