

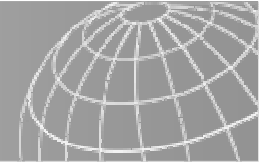


A New Era – The Requirements in the Convention on Biological Diversity to Using Genetic Resources

by

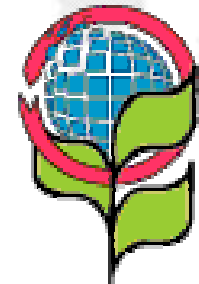
Dr. Andreas Drews

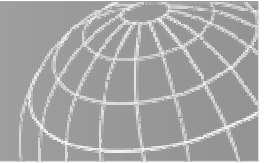
Discussion Forum (2): Biofairness instead of Biopiracy
Examples of Companies Using Genetic Resources in Line with the CBD
International Conference “Business & Biodiversity”
Bonn, 2 - 3 April 2008



The Convention on Biological Diversity

- First signed 1992 during UNCED in Rio de Janeiro
- Since then 190 Parties (189 states and the EU)
- Connects environmental and development issues
- **Three objectives of equal standing:**
 - **Conservation** of biological diversity
 - **Sustainable use** of its components
 - **Fair and equitable sharing of benefits** arising from the utilization of genetic resources

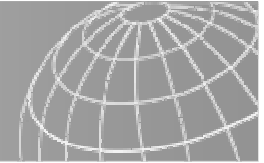




Economic Importance of Genetic Resources

- 35,000 plant species worldwide are used for medicinal purposes
- 2,000 species in the European market for medicinal and aromatic plants
- 70 % of modern pharmaceuticals are based on plants
- US\$18 billion worldwide market for medicinal plants, exotic fruits and seeds in an increasing number of consumer goods, such as phytopharmaceuticals, cosmetics, and dietary products
- Economic value of Ethiopian coffee genetic resources: between US\$420 million up to \$1.45 billion

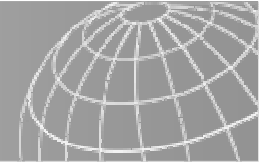
Sources: WHO; UNCTAD BioTrade; Ecological Economics



Access and Benefit-sharing (ABS)

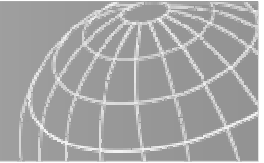
What's the idea?

- To provide and **(economic) incentive** to practice conservation and sustainable use of biological diversity
- To **share fair and equitably** the profits and technological progress from the use of genetic resources and associated traditional knowledge (incl. transfer of technology and know-how)
- To provide thus a **benefit in return for conserving biological resources in situ**



Basis for ABS: CBD Art. 15

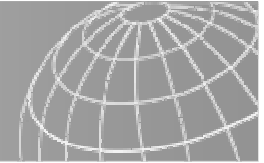
- Reaffirms the **souvereign rights** of countries over their genetic resources
- Facilitated access for **environmentally sound uses**
- Access on **mutually agreed terms (MAT)**
- Subject to **prior informed consent (PIC)**
- **Research with full participation**, and where possible, in the provider country
- **Fair and equitable sharing of benefits** arising from the utilization



Basis for ABS: other relevant Articles

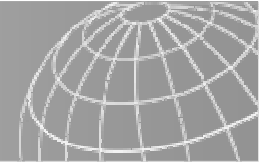
- Art. 8(j): **benefit-sharing obligation** when **traditional knowledge** associated with biological resources is involved
- Art. 16: **access to and/or transfer of technologies** that make use of genetic resources
- Art. 16: national and international **IP rights must be supportive** to the CBD objectives
- Art. 19: **effective participation** of provider countries in **biotechnological research**
- Art. 19: **priority access to the biotech research results and benefits** for provider countries





Where are we now?

- Implementation of the 3rd objective is lagging behind
- Since 2002 **Bonn Guidelines as a non-mandatory framework**
 - to support the design of national ABS legislation
 - to support negotiation of bilateral ABS agreements in the absence of national regulations
- World Summit on Sustainable Development (Johannesburg, 2002) demands **an international regime to ensure benefit-sharing**
- In 2004 the Conference of the Parties of the CBD **mandated the Working Group on ABS to negotiate such regime** and specified in 2006 to **finalize the negotiation until 2010.**



General experiences and lessons

- ABS is a **multi-stakeholder issue**, involving science, the private sector, indigenous and local communities, civil society and governments
- Access is a **prerequisite for benefit-sharing**
- **Access** is taking place, whether **regulated or unregulated**, whereas **benefit-sharing** is rarely visible
- ABS requires **participatory processes** at the national and local level
- ABS regulation and implementation is a **good governance** issue, requiring accountability and transparency of those involved in negotiations of bioprospecting agreements



Thank you very much!



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