



Statement of the Twenty-third Session of the Global Biodiversity Forum on Access and Benefit-Sharing

held by

*Prof. Johnson Ekpere, University of Hadan, Nigeria,
at the First Session of the ad hoc open-ended
working Group on Access and Benefit Sharing,
Bonn, 22. October 2001*

**23. GBF
19-21 October 2001**

Geographic Institutes, University of Bonn, Meckenheimer Allee 166
Bonn, Germany

Convenors:

*African Centre for Technology Studies (ACTS)
Center for Development Research (ZEF)
Climate Alliance of European Cities with Indigenous Rainforest People/ Allianz del Clima e.V.
Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH
German Federal Ministry for Economic Cooperation and Development (BMZ)
Indigenous Peoples Biodiversity Network (IPBN)
IUCN - The World Conservation Union
Sociedad Peruana de Derecho Ambiental (SPDA)
The Bureau to the Ramsar Convention
The Secretariat to the Convention on Biological Diversity (SCBD)
South East Asia Regional Institut for Community Education (SEARICE)
United Nations Environment Programme (UNEP)
World Business Council for Sustainable Development*

Thank you for giving the Global Biodiversity Forum the opportunity to share with delegates the results of our deliberations.

The National Session of the Global Biodiversity Forum for Germany, held this past weekend, brought together representatives from the private sector, non-governmental organizations, research and development institutions, governments and Indigenous Peoples to address key issues on access and benefit-sharing (ABS). The 100 participants met in three working groups to discuss the linkages between community participation, intellectual property rights (IPRs), food security, poverty and ABS.

There has been a tendency in debates on ABS under the Convention on Biological Diversity (CBD) to emphasize the commercial aspects of the issue. There is now a fundamental need to broaden the debate to better incorporate a wider range of issues. This recalls that the ABS articles are to be implemented to achieve the CBD's three objectives. Consequently, the Ad-hoc Working Group's work should be guided by the need to emphasise the links between ABS, the conservation and sustainable use of biodiversity, including the ecosystem approach, and development. With regard to development, it is particularly important to ensure conservation as the basis for continued access to biological resources for local food security, health and development needs, as well as the protection of economic, social and cultural human rights. Participants acknowledged that ABS should play an important role in poverty alleviation through the generation of benefits based on social and economic as well as environmental criteria. Furthermore, attention was drawn to the desirability of ensuring that the implementation of ABS measures mutually supports FAO's work on plant and animal genetic resources.

Many biodiversity-rich countries have already developed, or are in the process of developing, national access legislation and, in some cases, laws to recognise and protect rights over traditional knowledge. In parallel, local and indigenous communities are increasingly active in developing local measures, including community protocols and local registers of knowledge, to conserve genetic resources, ensure benefit-sharing and protect their traditional knowledge and innovation systems. In contrast, limited action has been taken to adopt measures on the user side of the genetic resources transaction to ensure that the benefit sharing objectives of the Convention, in particular prior informed consent, are met. Specific attention was drawn to isolated instances by provider countries and regions, such as that of the Andean Community, where evidence of prior informed consent is a prerequisite to grant IPRs. But it was recognised that the effectiveness of such measures is limited unless adopted at global level. This and other user-based measures will be a key consideration in ensuring the Convention's successful implementation.

The participants noted that the CBD requires Parties to ensure that IPRs support realization of the Convention's objectives. While some participants noted the lack of action on behalf of the COP to promote an independent study of this relationship, concern was also expressed that the debate on ABS was in danger of being led by the IPR discussion. Caution was expressed that allowing IPR review processes relating to ABS issues to be taken outside the ambit of the CBD process, through actions at the WTO level, and the initiatives of WIPO, may seriously undermine opportunities to achieve the Convention's objectives.

An other issue, which emerged clearly in our discussion is the urgent need to provide financial support for the development, implementation and monitoring of national ABS policies, which must involve all stakeholders fully and equally in the decision making process. Participatory processes help to identify the key stakeholders and components of ABS that need to be regulated, as well as areas best left to holders of traditional knowledge and custodians of genetic resources. They also provide basic guidance on prior informed consent and mutually agreed terms, which defines minimum requirements for engagement and equity.

To enable effective participation of stakeholders, public awareness and capacity building on ABS must be a priority. Particular emphasis was placed on providing direct support to Indigenous Peoples, local communities and women to participate in ABS processes, and to enable them to develop their own mechanisms for and approaches to access and benefit-sharing.

Finally, the group addressed the issue of guidelines and other approaches, which will be the subject of this week's meeting. Any future work on guidelines or other approaches under the CBD needs to clearly identify and establish:

- Purpose and objectives;
- Target groups and scope of application;
- Mechanisms to ensure accountability; and
- Provisions for monitoring and evaluating future implementation.

In addition the work needs to be fully participatory and it should be founded on actual experience and best practice, while considering other relevant processes, keeping in mind that the CBD is the pre-eminent forum on ABS issues.

In closing it should be noted that guidelines or other approaches are not a substitute for community and national measures reflected in customary and national law, but should complement such measures with a view to the development of a comprehensive and integrated system for regulating ABS.

Thank you very much for your attention.