



**CONVENTION ON
BIOLOGICAL DIVERSITY**

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STATEMENT BY

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CONVENTION ON BIOLOGICAL DIVERSITY

TO

**THE MEETING OF THE *AD HOC* OPEN-ENDED WORKING
GROUP ON ACCESS TO GENETIC RESOURCES AND BENEFIT-
SHARING**

Bonn, Germany, 22 - 26 October 2001

Madam State Secretary,
Madam Mayor of the City of Bonn,
Distinguished Delegates,
Ladies and Gentlemen,

I would like to welcome you all to the meeting of the *Ad hoc* Open-ended Working Group on Access to Genetic Resources and Benefit-sharing in the framework of the Convention on Biological Diversity.

We are privileged to meet in such exceptional and historic premises, which have witnessed much of the history of the Federal Republic of Germany. I wish to take this opportunity to thank the German authorities for their financial and technical support, for the excellent organizational arrangements, their warm welcome and for giving us the opportunity to meet in such a venue. Their generous financial support did not only enable us to meet here – in this beautiful city of Bonn – but also allowed a wider participation of developing countries and countries with economies in transition in the meeting. In this regard, I also wish to acknowledge the financial support provided by Sweden and the United Kingdom.

Mr. Chairperson, Distinguished Delegates,

I need not emphasize the importance of this meeting of the *Ad hoc* Working Group on Access and Benefit-sharing which marks the beginning of a new and crucial stage in the life of the Convention on Biological Diversity. The fair and equitable sharing of benefits out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of technology, is one of the three objectives of the Convention along with the conservation of biological diversity and the sustainable use of its components. For the first time, Governments are gathering to seek agreement on practical measures to achieve this third objective of the Convention. It is a major undertaking and a test for the Convention as a vehicle to meet the expectations attributed to it as many Parties attach considerable significance to this fundamental objective. As was the case with the Cartagena Protocol on Biosafety, the successful negotiation on guidelines and other approaches for access and benefit-

sharing will be one of the yardsticks used by many to judge the effectiveness of the Convention on Biological Diversity. I am confident that you will rise to this challenge.

This meeting also takes place as we approach a crossroad in the international environmental agenda: we are less than a year away from the World Summit on Sustainable Development, which will be held in Johannesburg in September 2002, to review developments since the Rio Conference and to chart the road ahead. Against this background, I believe that it is important to provide further evidence to the international community that progress has been made between Rio and Johannesburg and that the Convention on Biological Diversity is an effective instrument through which basic international sustainable development objectives can be met.

While the challenge is significant and should not be underestimated, this meeting will benefit from the excellent preparatory work carried out over the past two years by the Panel of Experts on Access and Benefit-sharing, which met in Costa Rica, in October 1999, and in Montreal, in March 2001. The Conference of the Parties decided to establish this Panel at its fourth meeting in 1998 specifically to address access and benefit-sharing and advance this objective. The Panel clarified, and provided advice on a number of key concepts related to access and benefit-sharing such as prior informed consent and mutually agreed terms. The Panel also identified elements that could form part of a package of measures, including guidelines and other approaches, to assist Parties and stakeholders in the implementation of access and benefit-sharing arrangements.

As noted by the Conference of the Parties in decision V/26 A, assistance is needed for Parties and stakeholders in the development and drafting of legislative, administrative or policy measures on access and benefit-sharing, as well as contracts or other arrangements under mutually agreed terms for access and benefit-sharing. You will have the opportunity to discuss these matters in the course of this week.

In addition, the Conference of the Parties, in the same decision, decided that this Working Group should consider key capacity-building needs of developing countries, namely:

- Assessment and inventory of biological resources as well as information management;

- Contract negotiation skills;
- Legal drafting skills for development of access and benefit-sharing measures; and
- Means for the protection of traditional knowledge associated with genetic resources.

In drafting guidelines and recommendations on these issues for submission to the sixth meeting of the Conference of the Parties, you have a unique opportunity to give shape to the access and benefit-sharing regime under the Convention.

Mr. Chairperson, Distinguished Delegates,

In the course of your deliberations, you may wish to keep in mind the other objectives of the Convention as well as its work programmes, which are directly related to access and benefit-sharing, such as the work programme on Article 8(j) and related provisions for the protection of traditional knowledge, innovations and practices of indigenous and local communities, as well as the Global Taxonomy Initiative.

You may also wish to take into consideration the relevant work carried out in other international fora, such as the FAO International Undertaking on Plant Genetic Resources for Food and Agriculture and the work of the World Intellectual Property Organization (WIPO) on the relationship between access and benefit-sharing, intellectual property rights and traditional knowledge.

To assist you in your deliberations over the next few days, the Secretariat has prepared several documents. The main document provides suggestions for guidelines, based on submissions by Parties and organizations, as well as a draft structure for guidelines based on suggestions by the Panel of Experts. The reports of the two meetings of the Panel of Experts provide elements for consideration in the development of guidelines and other approaches.

Furthermore, as requested by the Conference of the Parties, a report on the role of intellectual property rights in the implementation of access and benefit-sharing arrangements has been prepared in close consultation with WIPO. The Working Group may wish to make recommendations to the Conference of the Parties on priorities for further work on this issue, in light

of recent developments under the Convention on Biological Diversity and within other international organizations.

Finally, I wish to assure you of the full support of the Secretariat in your endeavours and wish you the best of luck for a successful meeting.

Thank you.