

Genetic Resources

Access and Equitable Benefit-Sharing

For thousands of years plants and animals have been transported from country to country and from continent to continent to be used outside their region of origin, for example as cultivated plants, for improving seed and domesticated animal breeds, and as medicinal plants. The modern methods associated with biochemistry, molecular biology and above all gene technology have yielded rapid growth in the demand for genetic information for the various fields of application. It is often the countries of the South, with their enormous biodiversity, that supply this genetic information. The potential for use of the vast majority of plants, animals and micro-organisms remains essentially unexplored. At the same time, their habitats are in danger and many species are threatened with extinction. The traditional knowledge of indigenous people and local communities about the possible uses of the biological diversity that surrounds them is an important resource, particularly in the search for new remedies.

As an incentive to the countries of the world to preserve their biodiversity, the Convention on Biological Diversity (CBD) proposes an international access and benefit-sharing (ABS) regime for genetic resources. The aim is to ensure that countries of origin receive a fair share of the benefits and technologies that result from the biotechnological exploitation of genetic resources and of the associated traditional knowledge, in return for preserving these resources, where

possible in their natural habitats. Such benefits include the transfer of biotechnology and expertise that developing countries so urgently need, and their participation in research into genetic resources.

Access to genetic resources within the CBD

The principles of the international framework for access to genetic resources and for benefit-sharing is outlined in Article 15 of the CBD. Access shall only be granted

- subject to prior informed consent (PIC),
- on mutually agreed terms (MAT),
- in connection with sustainable uses, and
- subject to fair and equitable sharing of the benefits that arise from the use of genetic resources.

The **Bonn Guidelines** on ABS, which were adopted in March 2002 by the 6th Conference of the Parties in Den Haag, are intended to support the Contracting Parties and other relevant actors

- in shaping national policies and the statutory and regulatory frameworks on ABS, and/or
- in negotiating bioprospecting projects in accordance with the principles of the CBD.

In practice, however, as a voluntary instrument, the Bonn Guidelines have proven inadequate to ensure that the benefits of the use of genetic resources are equitably shared between the countries of origin and the users of the resources. Consequently, in the Plan of Implementation of the World Summit on Sustainable Development (WSSD), adopted in Johannesburg in September 2002, it was agreed to negotiate an **international regime to promote and safeguard the fair and equitable sharing of benefits** arising out of the use of genetic resources. Negotiations on this regime should be concluded by 2010. For the final step of the negotiations the 9th Conference of the Parties in Bonn agreed in May 2008 on a clear and structured roadmap.



Photo: Drews

What are genetic resources?

Genetic resources are materials of animal, plant, microbial or other origin that contain functional units of heredity and have an actual or potential value. They include animals and plants and parts thereof, seed, seedlings, fungi, bacteria and other single-celled organisms, cell cultures, spermatozoa, ova, chromosomes and DNA (deoxyribonucleic acid).

On behalf of

The contribution of GTZ

On behalf of the Federal Ministry for Economic Cooperation and Development (BMZ), at German and international level GTZ is working to ensure that the protection and conservation of biodiversity is better integrated in other policy areas and in national development strategies and plans. In many of its bilateral cooperation programmes GTZ creates a connection between the protection and sustainable use of natural resources and poverty reduction measures. Many approaches are based on experiences gained by the programme »Implementing the Biodiversity Convention«, which range from community-level resource protection to national legislation against biopiracy.

The implementation of the CBD's ABS provisions is being promoted by bilateral development cooperation, through pilot measures run by the BIODIV programme, and by the ABS Capacity Development Initiative for Africa. For instance, the environment programme in the Philippines is supporting the environment agencies in raising public awareness of the implementation of national ABS legislation. The programme is based on experiences made with pilot measures under the BIODIV programme. The NGO SEARICE (South East Asia Regional Initiative for Community Empowerment) has worked with indigenous and local communities to combat illegal bioprospecting (biopiracy) and draw up fair bioprospecting agreements. In the semi-autonomous province of Palawan, the Palawan NGO Network (PNNI) continued to implement measures to implement national access laws locally under a programme coordinated by SEARICE.

One major task for the environment programme in Namibia is to identify sources of income that are based on biological resources and can be used by those who live in and close to protected areas. To this end, existing value chains are analysed and stabilised, while active support is given to the development and enforcement of a national legal framework for ABS. Similarly, the environment programme in Madagascar and the regional support programme for the Central African Forest Commission (COMIFAC) are supporting processes to draft and implement national and regional ABS regulations.

Since 2005 the Directorate General for International Cooperation (DGIS) of the Dutch Ministry of Foreign Affairs has supported the efforts of the BIODIV programme to promote ABS competence in Africa. An initial regional pilot workshop in Addis Ababa in October 2005 led to the establishment of the Dutch-German ABS Capacity Development Initiative for Africa. Clear evidence of success, such as an improved preparation of the African group for the ongoing negotiations on the international ABS regime, has led Africa and other regions to call for more support and has heightened the interest of other

Biodiversity and the Biodiversity Convention

The term »biological diversity«, or »biodiversity« for short, encompasses the diversity of life on Earth, ranging from genetic diversity and diversity of species to the diversity of ecosystems. The Convention on Biological Diversity (CBD) adopted in Rio de Janeiro in 1992 comprises three elements: the conservation of biological diversity, its sustainable use and the equitable sharing of benefits arising from such use. In the meantime, 191 Parties have joined the Convention. By signing the Convention, Germany has agreed not only to conserve biodiversity on its own territory but also to support developing countries in implementing necessary measures.

donors in working with the initiative. Consequently, the Initiative is currently being transferred into a multi-donor initiative with a long-term perspective for continuing support after 2010.

The international exchange of information, particularly the South-South exchange, is supported through financial assistance and technical-conceptual advice on planning events and relevant publications.

Action Required

- Finalise the negotiations on an international ABS regime by 2010;
- Transpose the international ABS laws into national legislation and policies, in keeping with the Bonn Guidelines;
- Support the implementation of the CBD's Action Plan on Capacity-Building within the framework of development cooperation;
- Develop and implement rules at international and national level that govern the protection and use of traditional knowledge of genetic resources;
- On the part of industrialised nations, ensure that within the international regime, the details of which are yet to be defined, genetic resources are only used provided their origin is certified and the benefits are equitably shared by the user companies;
- At international level, align the provisions of relevant intellectual property agreements with those principles and provisions of the CBD that relate to ABS.

Further Information

ABS homepage of the CBD Secretariat:

www.cbd.int/abs/

BMZ Special 33 (2001): Access to Genetic Resources and Benefit Sharing
www.bmz.de/en/service/infothek/fach/spezial/spezial033/index.html

German Development Institute (2003): Access and Benefit-Sharing (ABS):

An Instrument for Poverty Alleviation – Proposals for an International ABS Regime

www.cbd.int/doc/?mtg=ABSWG-02&tab=1

Information from the EU on implementing the Bonn Guidelines on access to genetic resources:

<http://abs.eea.europa.eu/>

Portal of the ABS Capacity Development Initiative for Africa:

www.abs-africa.info

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