

Opening ABS-Statement by NGOs at the negotiations for a ABS-Regime at COP 9

May 21st, 2008

Madam Chair,

This statement is made on behalf of NGOs who met over the weekend and continue to meet on ABS issues.

As long as no effective ABS-System is in place Biopiracy will go on. It is very important that all countries have strong ABS laws. However the best of national laws in countries providing genetic resources and TK will not be sufficient if these resources and TK are used outside their national jurisdiction. Therefore the Decisions taken at COP 9 have to pave the way to adopt a legally binding international Regime on Access and Benefit-Sharing in 2010.

To do so COP 9 has to adopt a clear mandate and timetable for the Working Group on Access and Benefit-Sharing including:

- the instruction to draft legally binding provisions of the ABS international Regime
- a guarantee for the full participation of indigenous peoples and local communities in the negotiations.
- the allocation of sufficient resources to hold at least three meetings of the Working Group and three meetings of technical expert groups with the broad participation of indigenous peoples and local communities, as well as NGOs.
- Technical Expert Groups to handle the topic of Traditional Knowledge, user measures and compliance.

The UN Declaration on the Rights of Indigenous Peoples must serve as the starting point for the ABS deliberations and as minimal standards for a legally binding regime.

Furthermore, during COP 9 we have to continue to build the house of the international regime. This includes the need for a consensus on more bricks:

- to monitor compliance (for example: checkpoints such as the compliance with disclosure requirements in IPR laws);
- to enforce compliance, inter alia with legal systems in user countries that enable countries and rightsholders providing genetic resources and traditional knowledge to enforce their rights;
- to ensure that subsequent to the negotiated access the genetic resources and traditional knowledge can be kept free of intellectual property rights,
- on access and benefit-sharing regarding genetic resources and traditional knowledge originating from more than one country or outside national territories such as the High Seas or Antarctica; or when the origin of the genetic resource is not clear.

Lastly, we support the proposal of the IFFB to not hold back-to-back meetings of the Article 8(j) Working Group and the ABS Working Group.

Thank you.