

**Intervention by Ecoropa on behalf of
Civil Society Organizations on Traditional Knowledge
ABSWG-8, Montreal, Canada - 9 Nov 2009**

Thank you, Co-Chairs, for giving me the floor. Ecoropa is speaking on behalf of the Civil Society Organisations present at this meeting.

We fully support the inclusion of Traditional Knowledge into all the relevant articles of the International Regime, especially Compliance, Benefit-Sharing, Access and Capacity-building.

We believe that Traditional Knowledge needs to be addressed at the international level in a legally-binding Protocol on ABS, at the national level by national legislation and a national competent authority and at the level of indigenous peoples and local communities with Free, Prior, and Informed Consent and Mutually Agreed Terms fully respecting their customary laws. All three levels should base themselves firmly on existing international instruments and processes, particularly within the human rights area, including the UN Declaration on the Rights of Indigenous Peoples.

We point to the importance of addressing existing information and power asymmetries in the context of TK by including a legal aid body, such as an ombudsperson, into the operational text. And may we add that the office of such an ombudsperson should have the necessary funding and expertise, including translation facilities, to make it fully functional.

We stress the importance of the distinction between “publicly available” and “public domain” in the context of Traditional Knowledge, and advocate the application of this distinction throughout the operational text.

And lastly, we submit additional wording, for which we would need the support of a Party delegation and therefore have to read it out. We hope to find such support along the lines of the following text proposal:

“The Working Group invites the Secretariat to initiate, in the context of “TK and associated genetic resources” a short review paper on the history of the concept of “genetic resources” as it emerged and keeps developing in the context of

- (i) ex-situ collections, such as gene banks and data bases
- (ii) “bioeconomy”, i.e. the emerging competitive global market based on genetic resources
- (iii) the rapid developments of modern biotechnology and biochemistry, including genomics, proteomics and synthetic biology

and submit it to Parties for their consideration, as soon as possible but no later than WG ABS 9, in order to assist Parties to arrive at a better understanding of the concept of “genetic resources” as it relates to TK and to elaborate the International Regime on ABS with the inclusion of Traditional Knowledge based on an adequate concept and/or concepts. This short review should build on the Report of the AHTEG on Scope and Definitions and add the relevant TK-related aspects.”