

**Closing Plenary Statement  
by Third World Network on behalf of  
Civil Society Organizations  
ABSWG-8, Montreal  
15 November 2009**

Thank you, Co-Chairs. I speak on behalf of the Civil Society Organisations present at this meeting.

We strongly reiterate our key positions on the fundamental aspects of the final outcome of the negotiations mandated to this Working Group.

On nature, we fully support a legally binding single instrument and look forward to Parties adopting a Nagoya Protocol on access and benefit sharing under the Convention on Biological Diversity.

Accordingly, the compliance component must be strong and effective for the Protocol to be meaningful. The minimum requirements include: (1) An internationally recognised certificate of legal compliance; (2) Checkpoints to effectively monitor compliance that could include patent offices, market approval institutions and research funding institutions; (3) Coverage of misuse and misappropriation; (4) Access to justice for Indigenous Peoples and Local Communities.

Compliance is at the heart of an effective and meaningful Protocol and this is confirmed by the fact that this component has the most brackets – so many that making sense of the concepts and ideas from the text defies linguistic logic. We call on Parties to agree on compliance mechanisms that effectively stop both misappropriation and misuse.

Traditional knowledge and the rights of indigenous peoples and local communities are crosscutting issues that must be included in each component of the Protocol. We are therefore very concerned that some Parties continue to bracket essential text such as those on free and prior informed consent, and on customary laws and community protocols, that would ensure that traditional knowledge and the rights of indigenous peoples and local communities have their right place in the Protocol. We have confidence that all Parties will implement the UN Declaration on the Rights of Indigenous Peoples in the Protocol.

From the very beginning of the CBD, developing countries and many civil society organisations and indigenous peoples' organisations have pressed for international rules and regulations to ensure the effective implementation of the third objective of the CBD, precisely because of the shortcomings and flaws of a contract-based system. Despite the challenges we also see that the Working Group can make significant progress. Looking at the options in the text so far a basic choice awaits Parties – the Protocol can be a legal instrument to protect the weak and ensure justice and equity, or it can reinforce and legitimize biopiracy. We hope that the Working Group will make the right choice.

With regard to the intersessional work we strongly support the call of Parties for balance and transparency. By balance we refer to the representation of developing countries and we concur with the concerns of the Africa Group on this matter. We appreciate the opportunity for representatives of civil society organisations and indigenous peoples' organisations to continue to participate in the intersessional process and thank the co-chairs and Parties for this.

We thank the Working Group for supporting our proposal for a review paper on the history and evolution of the concept of “genetic resources” and we hope that this will contribute to a better understanding of the concept as it relates to traditional knowledge and the objectives and scope of the Protocol.

We are very encouraged and welcome the formation of the Like-minded Asia Pacific Countries and the Like-minded in spirit women in the CBD.