

**Convention on Biological Diversity  
COP 9, 19-30 May 2008, Bonn**

**ACCESS AND BENEFIT SHARING**

**POSITION PAPER – AGENDA ITEM 4.1**

**Draft Policy Recommendations**

**IUCN URGES that COP9:**

- **Clearly identifies** the main components of the International Regime on ABS;
- **Recognizes** the link between benefit sharing and the other two objectives of the Convention – conservation and sustainable use of biological diversity and explicitly includes it in the objectives and main components of the regime;
- **Reiterates** the mandate of the Ad Hoc Open-ended Working Group on ABS to negotiate and elaborate an international regime on ABS at the earliest possible time before COP10 and decides on a robust schedule for the inter-sessional work of the Working Group;
- **Decides**, as part of the inter-sessional work, on the establishment of Ad Hoc Technical Expert Groups with clear Terms of Reference to discuss complex technical issues and make recommendations to the Working Group, including on:
  - 1) Certificate of origin/source/legal provenance or compliance – to address the areas that need further elaboration as identified in the Report of the Meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance and continue the process of development and refinement of the certificate as a tool to facilitate tracking and monitoring and support compliance;
  - 2) Traditional knowledge – to identify concrete ways to incorporate into the ABS Regime benefit sharing related to traditional knowledge as well as other commitments under Article 8j;
  - 3) Other technical issues such as compliance and enforcement of ABS obligations across jurisdictions and the potential of sectoral model clauses and ways to incorporate them into the regime.

**In general, IUCN calls on COP9 to:**

- **Ensure** that the International ABS Regime allows for the inclusion and empowerment of indigenous peoples, local communities and women through prior informed consent (PIC) mechanisms and participation in the negotiation of national ABS frameworks and of an International Regime;
- **Recommend** that the compliance of ABS regimes with human rights frameworks, international and national commitments on gender equality and equity, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) be guaranteed;
- **Support** the development and promotion of capacity building and empowerment strategies (educational, technical, legal, financial) to allow women and men to effectively participate in the discussions and negotiations involving agreements on the access and sharing of benefits arising out of genetic resources;
- **Make sure** that gender considerations are mainstreamed in National Biodiversity Strategy and Action Plans and that all stakeholders are included in NBSAPs design and implementation processes; and
- **Clearly recognize** the rights of indigenous peoples, local communities and women to the genetic resources they control and the associated traditional knowledge. In this respect, the UN Declaration on the Rights of Indigenous Peoples of September 2007 should form the basis for the international regime on ABS.

**Furthermore, IUCN recommends that COP9:**

- **Calls on** Parties to take all the necessary steps and make efforts to develop, implement and put into practice their national and regional ABS regimes.

### ***Introduction***

1. Access to genetic resources and the fair and equitable sharing of the benefits derived from such resources (ABS) is one of the three pillars of the Convention on Biological Diversity (Art. 1 CBD). The effective implementation of the benefit sharing objective is of essential importance for the Convention as a whole.
2. IUCN welcomes the progress made in the Ad Hoc Open-ended Working Group on ABS since CBD COP8 and commends Parties, the two Co-Chairs of WGABS-5 and 6 as well as the Co-Chairs of the Contact Groups for their efforts.
3. Still efforts have to be redoubled from all sides to make further progress in order to achieve finalization of negotiations of the Regime by 2010.

### ***ABS must be linked to conservation***

4. ABS is intrinsically linked to conservation and sustainable use of biodiversity. This must be clearly expressed in the objectives of the future International Regime on ABS.
5. In addition, the ABS regime should provide for concrete measures to ensure that ABS works for the benefit of conservation and sustainable use of biodiversity, e.g. through sustainability criteria. Existing experiences at regional, national and local levels should be taken into consideration for the design of such measures.

### ***Clear identification of main components and further steps of negotiations***

6. In order to successfully conclude the current ABS-negotiations it is essential that the main components of the regime are identified and the necessary steps of the further negotiations are clearly defined at COP9.
7. To this end, Parties at COP9 should build on the progress made at WGABS-6 and make every effort to “convert” as many “bullets” into “bricks”, i.e. parts of the Regime
8. Furthermore COP9 must define the necessary steps of the further negotiations in order to be timely concluded by 2010. Negotiations in the WGABS must be focused and accompanied by Ad Hoc Technical Expert Groups as necessary.