



A Special Report on Selected Side Events at the Ninth Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD)

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Events convened on Wednesday, 21 May 2008

ABS Capacity Development in Africa

Presented by the Dutch-German ABS Capacity Development Initiative for Africa



Sem Shikongo, Ministry of Environment and Tourism, Namibia, presented an overview of the Nairobi workshop, which included the latest developments in ABS.

Andreas Drews, GTZ, outlined the history of the ABS Capacity Building Initiative for Africa (the "Initiative") and highlighted its objectives, which include: increasing awareness of ABS; improving regional cooperation; ensuring the participation of relevant stakeholders in ABS undertakings; and building and strengthening the network of ABS experts in Africa. Drews listed the tools used to achieve these outcomes, including: multi-stakeholder workshops; peer-to-peer knowledge exchange; regional background studies; and support for African negotiators to provide input at CBD meetings. He highlighted that future workshops have been planned for the Initiative.

Suhel al-Janabi, Geo-Media, summarized the workshops, consultations and side-events that have taken place over the intervening time period. Pierre du Plessis, Centre for Research Information Action in Africa, and Sem Shikongo, Ministry of Environment and Tourism, Namibia, amongst others, intervened to present the outcomes of the ministerial preparatory workshop and the multi-stakeholder workshops held in Windhoek, Nairobi, and Marrakech. Participants then viewed short films on comments from contributors to the regional ABS workshops, including from one held in Ethiopia on Teff.

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<http://www.abs-africa.info>

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Kabir Bavikatte, Natural Justice, presented the issues surrounding the compilation of ABS case studies. He highlighted that the case studies were formulated so they could be used as a checklist for ABS practices and best practice guidelines. He noted that the case studies conform to a standardized format, including: an abstract; the actors involved in the initiative; types of resources used; and the timing and deadlines for the Initiative. Bavikatte highlighted that technology transfer is a key component of ABS. He also noted that the case studies address the challenges presented by prior informed consent third party involvement, and the types of benefits received by communities.

In the ensuing discussion participants addressed several issues, including: the expansion of the Initiative to other continents; the involvement of scientists in ABS; the market approach to ABS and how tertiary institutions can approach this; the question of how to define what is a fair ABS deal; and how business deals with traditional knowledge.

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The Potential for Pro-Poor and Pro-Biodiversity REDD

Presented by the Poverty and Environment Partnership

Tone Solhaug, Norway, noted the substantial funding that Norway has made available for REDD has been primarily due to concern over climate change. She emphasized that REDD must be adapted to local contexts, and that verification and monitoring must be used to demonstrate its effectiveness.

Maria Berlekom, SwedBio, described the wide range of linkages that REDD invokes, including between forests, climate change and funding, and highlighted many synergies that should be achieved. She said that the UNFCCC can learn from the CBD's experience regarding forest biodiversity.

John Bishop, IUCN, said that REDD presents a huge opportunity to reinforce the CBD's objectives and mobilize significant new and additional sources of funding, and that the CBD offers a wealth of experience on this issue.

Leo Peskett, Overseas Development Institute (ODI) presented on the Poverty and Environment Partnership background paper "Making REDD Work for the Poor." He highlighted the benefits of making REDD pro-poor, including: improved long-term sustainability; investment risk reduction; increased market returns; and political motivation.

Victoria Tauli-Corpuz, UN Permanent Forum on Indigenous Issues, said that historically it has been indigenous people that have protected the forest, in the face of government and commercial pressures, and that REDD should be guided by the Universal Declaration on the Rights of Indigenous Peoples.

Participants discussed the need to move away from the "command and control" model of protecting forests, and the need to define what kind of benefits REDD should achieve for affected communities.



Victoria Tauli-Corpuz, UN Permanent Forum on Indigenous Issues, stressed that the onus is on the proponents of REDD to demonstrate how it will respect the rights of indigenous communities.

More information:

<http://www.undp.org/pei/aboutpep.html>

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Learning Lessons from the San-Hoodia ABS Case

Presented by the Universities of Central Lancaster and Cape Town; WIMSA and the South African San Council

Doris Shroeder, University of Central Lancaster, introduced a research project on the San Hoodia benefit sharing case, which focused on prior informed consent (PIC) and benefit sharing. Rachel Wynberg, University of Cape Town, provided a brief overview of the Hoodia benefit sharing agreements and raised the governance challenges involved in implementing them. She also discussed PIC, the San's capacity building needs, and ongoing challenges.

Sachin Chaturvedi, Research and Information System for Developing Countries, exemplified how the Kani community from Kerala, India, used their traditional knowledge to generate benefits including a primary school and access to a protected forest. Victoria Haraseb, Working Group of Indigenous Minorities in Southern Africa, expressed hope that the Hoodia money will be used to invest in education and buy land for the San.

Graham Dutfield, University of Leeds, argued that small scale biotrading opportunities are best suited to communities wanting to engage in benefit sharing and that PIC is a difficult process, but not intractable.

Roger Chennells, legal advisor to the Hoodia Trust, outlined the work that he is undertaking to promote compliance in importing countries to uphold the benefit sharing agreements. Andries Steenkamp, Hoodia Trust, outlined the process of establishing the Hoodia Trust and San Councils.

Participants discussed a number of issues, including: trademark protection; the timing of the Hoodia benefits; and CITES listing. The discussion was followed by a film on the research project.



Victoria Haraseb, WIMSA, expressed hope that the Hoodia monies will be used wisely.

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Regional Amazon BioTrade Program

Presented by Amazon Cooperation Treaty Organization

Francisco M. José Ruiz, Amazon Cooperation Treaty Organization (ACTO), introduced the Regional Amazon BioTrade Program, which facilitates dialogue and increases cooperation between Amazon Treaty countries. He noted that this provides a regional strategic framework to facilitate the sustainable use of Amazon biodiversity through technology transfer, enhanced local entrepreneurship and trade-related assistance to prepare common positions.

Adriana Rivera Brusatin, ACTO, emphasized the importance of responding to the needs of local communities. She noted the lack of harmonization in the legal framework of Amazon Treaty Countries, and that the programme aims to generate social and economic benefits for local communities. She added that it does this by creating the necessary conditions at the regional level for the development and strengthening of promising sectors of BioTrade products and services.

Lucas Assunção, UN Conference on Trade and Development, stressed that biocommerce does not exist to satisfy external markets, but is a tool to strengthen the domestic manufacturing chain and encourage local development. He stressed the role of the Regional Amazon BioTrade Programme, which is to develop a strategic vision of development for the Amazon region and underscored the need to better organize resources, including those from small producers and small companies.

One participant noted that BioTrade should focus on satisfying different needs of local communities and that increased access to markets is necessary to commercialize local products and services.



Adriana Rivera Brusatin, Amazon Cooperation Treaty Organization, defined BioTrade as the “activities of collection, production, transformation and marketing of goods and services derived from native biodiversity under the criteria of environmental, social and economic sustainability”.

More information:

<http://www.otca.info>

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Monitoring and sustainably managing forest biodiversity

Presented by FAO, in co-operation with IUCN, ITTO and CIFOR

Laura Rosso, FAO, outlined the Forest Resources Assessment (FRA) for 2010. She highlighted that the FRA 2010 will report on specific forest types as well changes in forestry areas. She noted that new variables for examination in the FRA 2010 include the genetic diversity of forest resources and invasive species, and specific studies will focus on forest ownership, forest and poverty, and the health and vitality of forests.

Jeff Sayer, IUCN, presenting on the production of guidelines for the conservation of biodiversity in tropical forests, noted that the field testing of the guidelines in Cameroon, Indonesia, Guyana, and Brazil has been completed. He emphasized that the formulation of these guidelines was a highly collaborative process and that they would be submitted for adoption by the International Tropical Timber Council in November 2008.

Robert Nasi, Centre for International Forestry Research, on the hunting of bushmeat and its effect on forest biodiversity, noted that there are complex livelihood issues and these are as important as the biological issues present. He noted that the underlying causes of the bushmeat crisis are similar to those that drive poverty. He stressed that many tools are available to monitor the problem and participatory studies can be used to better understand the socio-economic issues present.

In the ensuing discussion participants tackled issues, including: the accuracy of data in studies; the potential long term affect of logging road networks; the expansion of the application of the guidelines; and the definitions of forest used in the studies conducted.



Jeff Sayer, IUCN, stressed the concern that many forestry operations view the biodiversity guidelines as another possible layer of regulation in the industry.

More information:

<http://www.fao.org>

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Real World Experience in ABS from Sarawak, Malaysia

Presented by the International Chamber of Commerce (ICC)

Susan Finston, Access and Benefit Sharing Alliance (ABSA), explained how this alliance of companies, which represents a broad spectrum of the biotechnology industry, is proactively engaged in promoting access and benefit sharing (ABS).

Eileen Yen Ee Lee, Warisan Nature and Tradition, on making capacity building and technology transfer work for ABS, highlighted her experience with the Sarawak Biodiversity Centre (SBC). She focused on three key partners involved in this experience, namely, government, industry and local communities. She emphasized that capacity building relies on a common language that needs to be developed for these partners to interact. Yen Ee Lee also noted: the need to improve institutional structures and processes; enhancing the ability of individuals; raising awareness and understanding; providing access to information between government and industry; and capacity building.

She highlighted training activities such as workshops with communities, which prepared farmers to engage with the private sector, including through contract farming. She identified issues that could stifle capacity building efforts, including: bureaucracy; inflexibility; jargon; inconsistency; lack of trust; ignorance of real needs; and lack of respect.

She noted that where there is trust people are more prepared to discuss issues and options and build relationships. She emphasized that capacity building initiatives should not only comply with international agreements and guidelines, but must also incorporate the perspectives and meet the needs of the respective individuals in government, community and industry.



Eileen Yen Lee, Warisan Nature and Tradition, stressed that "a key aspect of successful ABS activities is the building of confidence and trust."

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Traditional Knowledge and the International Regime on Access and Benefit Sharing

Presented by the Tebtebba Foundation

Joji Cariño, Tebtebba Foundation, criticized the principle of national sovereignty over natural resources as being incommensurate with indigenous and local communities' (ILCs) rights. She said that negotiations over access and benefit sharing (ABS) must respect ILCs' rights to land, territories and resources, and acknowledge the authority of customary law. Cariño also called for strong compliance measures to be enacted in importing countries, such as disclosure at the patent stage.

Alejandro Argumedo, Asociacion Andes, recalled that the CBD was hailed as a progressive legal instrument, and that it promised "green gold." Yet, he argued, the Convention has become little more than a network of protected areas and has failed to implement benefit sharing, the third aim of the Convention. He stressed the importance of linking ABS with land rights.

Malia Talakai, Pacific Indigenous People Environment Coalition, discussed the legal character of the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO) and the CBD. She argued that because all three organizations work on aspects of traditional knowledge, they are compartmentalizing the way the concept is being developed. In this context, she raised ways in which the Trade-Related Aspects of Intellectual Property Rights (TRIPS) has marginalized ILCs' concerns.

Discussion touched on: the value of traditional knowledge; the nature of benefits; cases of biopiracy; discriminatory national and international law; the power of the WTO; *sui generis* systems; and "forum shopping."



Malia Talakai, Pacific Indigenous People Environment Coalition, presented on the World Intellectual Property Organization, the WTO and the CBD.

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