

Summary of the Special Event in the UNGA Second Committee mandated by resolution 67/212

Background

1. A joint briefing was undertaken by UNEP, WIPO, UNESCO, UNCTAD, secretariat of the Convention on Biological Diversity and the International Treaty on Plant and Genetic Resources, through one of the special events of the second committee of the UN General Assembly on 30th October 2013, to follow up on UNGA resolution 67/212. The briefing on the theme “implementation of the objectives of the Convention on Biological Diversity, including actions undertaken to promote access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation and associated traditional knowledge” was part of the UN Decade on Biodiversity and designed to further improve efforts at coherence.

Summary of presentations

2. **The Rapporteur of the Second Committee, Ms. Juliet Hay** opened the special event meeting.

3. **The Under-Secretary-General of DESA, Mr. Wu Hongbo** delivered a keynote address which stressed how the UN system is well placed to demonstrate institutional cooperation and support in mainstreaming biodiversity considerations.

4. **The Executive Secretary of the CBD, Dr. Braulio Dias** made a presentation focusing on the close inter relationship between the three objectives of the CBD. The Convention on Biological Diversity (CBD) was adopted in 1992 and now has near-universal membership with 193 Parties. The Convention has three objectives: conservation of biodiversity, sustainable use of its components, and fair and equitable sharing of the benefits arising from the utilization of genetic resources. In this manner, access and benefit-sharing (ABS) – the third objective of the Convention – creates economic incentives for the conservation and sustainable use of biodiversity, the other two objectives of the Convention. The CBD also provides for an equity relationship: access to genetic resources in exchange for the sharing of benefits arising from the utilization of genetic resources. The adoption, in October 2010, of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization elaborated the equity relationship of the Convention by providing a legal framework that will contribute to increasing legal certainty, clarity and transparency for both users and providers of genetic resources. The Protocol also contributes to sustainable development as recognized in “The Future We Want” outcome document adopted at Rio +20 (para. 199).

5. The core provisions of the Nagoya Protocol are known as ‘the ABC’s of ABS’: access, benefit-sharing and compliance. Article 6 of the Protocol provides that access to genetic resources is subject to the prior informed consent of the provider country, unless otherwise determined by that country. Article 5 of the Protocol sets out the

obligation to share benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization in a fair and equitable way. Benefit-sharing is to be arranged through the establishment of mutually agreed terms between the user seeking access and the provider. The Nagoya Protocol contains a number of provisions concerning compliance, including the obligation to comply with ABS legislation and mutually agreed terms, and the obligation to monitor the utilization of genetic resources. The Protocol also provides for checkpoints and the internationally recognized certificate of compliance as tools that can help monitor the use of genetic resources throughout supply chains and provide evidence that prior informed consent has been obtained and that mutually agreed terms have been established.

Twenty-five countries have ratified or acceded to the Protocol as of 28 October 2013; fifty ratifications/accessions are required for the Protocol to enter into force. Many countries are taking the necessary steps to ratify the Protocol so more ratifications are expected in the coming months. Progress towards entry into force can also be seen in a number of ongoing activities, including capacity-building projects supported by the Global Environment Facility; development of the [ABS Clearing-House](#); and the publication of awareness-raising materials. Furthermore, the third meeting of the Intergovernmental Committee for the Nagoya Protocol, which is preparing for the entry into force of the Protocol, will be held from 24-28 February 2014 in Pyeongchang, Republic of Korea. The CBD Secretariat is confident that the Protocol will receive the fifty ratifications it needs in order to enter into force in time for the first meeting of the Parties to the Protocol to be held concurrently with the twelfth meeting of the Conference of the Parties to the Convention, which will take place from 6 to 17 October 2014 in Pyeongchang, Republic of Korea. The entry into force of the Protocol will also mark the achievement of Aichi Target 16 from the Strategic Plan for Biodiversity 2011-2020 – the first Aichi Target to be met.

6. The Director of the UNEP, New York Office, Mr. Elliott Harris made a presentation stressing that UNEP has a long term commitment to support the development and implementation of policies related to Access to Genetic Resources and Benefits Sharing. During the negotiations leading to the adoption of the Nagoya Protocol UNEP provided financial support to the Co-chairs of the CBD's Ad Hoc Open Ended Working Group which negotiated the text of the Protocol, organized capacity building workshops for negotiators, facilitated regional coordination meetings prior to negotiating sessions and produced technical publications to help clarifying important issues at stake during the negotiations.

7. Adding to its institutional role carrying out the functions of the Secretariat of the CBD and the Nagoya Protocol, UNEP's Strategic Framework and Programme of Work 2014-2015 sets ABS as a priority area of programmatic action for UNEP. In this context UNEP is working on five main types of activities: 1) developing technical advice on a number of key concepts relevant to the implementation of ABS policies, 2) supporting countries in the review and/or updating of national legislation as necessary for the early ratification of the Nagoya Protocol, 3) supporting countries in

initiatives for the valorization of genetic resources, 4) supporting the integration of the Protocol in broader national planning instruments and in particular the National Biodiversity Strategies and Action Plans (NBSAPs) and 5) partnering with other organizations and initiatives pursuing similar objectives.

8. With the support from the Global Environment Facility, UNEP is involved either as implementing agency or executing agency in 14 projects directly related to facilitating the implementation of the Nagoya Protocol at national level. This portfolio involves initiatives in 70+ countries with a total budget in excess of 42 Million USD. The immediate priority is to facilitate the early entering into force of the Nagoya Protocol and then to ensure that benefits arising out of the utilizations of genetic resources are equitably shared.

9. The Director of the UNESCO New York Office, Ms. Vibeke Jensen, presented UNESCO's multidisciplinary approach to biodiversity challenge covering its scientific, educational and cultural dimensions as well as on the ground conservation and sustainable management of biodiversity and ecosystem services in UNESCO designated sites, namely World Heritage Sites and Biosphere Reserves. She presented the example of UNESCO Biosphere Reserves as tools for integrated implementation of the three objectives of the Convention on Biological Diversity (CBD).

10. Regarding the actions taken to implement the third objective of the Convention, namely access to genetic resources and sharing of benefits arising from their utilization and related traditional knowledge, she presented the pilot project involving development of a bio-cultural protocol of traditional healers practitioners in Kruger to Canyons (K2C) Biosphere Reserve in South Africa in collaboration with GIZ (ABS Capacity Development Initiative), Natural Justice and K2C Management Committee. She noted that the successful outcome of the pilot project confirms the potential of biosphere reserves for on the ground operationalization of access and benefit sharing provisions of the CBD. In terms of future actions in this regard, she noted the need for further awareness raising, capacity building for biosphere reserve managers and other stakeholders, sharing of experience and good practices across the World Network of Biosphere Reserves and further understanding the implications of the links between biological and cultural diversity for the implementation of the CBD and the Nagoya Protocol on access and benefit sharing.

10. The Director General of WIPO, Mr. Francis Gurry stated that the Member States of the World Intellectual Property Organization (WIPO) were addressing the relationship between intellectual property and the protection of traditional knowledge, as well as access to and benefit-sharing in genetic resources.

11. Text-based negotiations are underway in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the WIPO IGC). These are aimed at reaching agreement on a text (or texts) of an international legal instrument (or instruments) which will ensure the effective protection of genetic resources, traditional knowledge and traditional

cultural expressions. The WIPO General Assembly in 2014 will, with a view to finalizing the text(s) within the 2014-2015 biennium, take stock of and consider the text(s) and progress made, and decide on convening a Diplomatic Conference. The WIPO IGC has also overseen the development by the WIPO Secretariat of a range of practical resources (such as databases and guides) which assist Member States, indigenous peoples, local communities and non-governmental organizations to better understand and manage the relationship between intellectual property and traditional knowledge and genetic resources.

12. The negotiations at WIPO and WIPO's practical resources could contribute usefully to implementation of Article 8(j) of the Convention on Biological Diversity (the CBD). Similarly, WIPO's work on genetic resources has significant implications for access and benefit-sharing regimes. More specifically, decisions on intellectual property issues may determine whether benefits are generated, what form such benefits take, and with whom and how they are shared.

13. The Senior Adviser on Biodiversity and Ecosystems, UNDP, Mr. Santiago Carrizosa made a detailed presentation on GEF-funded projects in support of the ratification and implementation of the Nagoya Protocol. He highlighted that biodiversity's importance for sustainable development was underscored in the Rio +20 outcome, "The Future we Want", and UNDP as a development agency recognized such importance in its Strategic Plan (2014-2017) and the Biodiversity and Ecosystems Global Framework (2012-2020). UNDP's recognition of the importance of biodiversity for sustainable development and poverty alleviation is mirrored by the size and impact of its biodiversity portfolio. UNDP is the largest UN agency in terms of its Biodiversity portfolio which is currently worth about US\$5.1 billion. Since 1993, UNDP has been facilitating implementation of the three objectives of the Convention on Biological Diversity (CBD) in over 100 countries. Through the GEF and other partners, UNDP has worked with 85 countries to support over 2,000 Protected Areas which cover about 272 million hectares and contain an assortment of globally threatened and important ecosystems, thus contributing largely to objective 1 of the CBD. UNDP has engaged or partnered with a wide range of production sectors in 38 countries. Over 244 million hectares of production land and seascape have been directly impacted by this work which contributes significantly to objective 2 of the CBD.

14. Since 2012, UNDP has consolidated implementation of the third objective of the CBD through GEF-funded projects that facilitate not only the ratification of the Nagoya Protocol but also access to genetic resources and benefit-sharing in about 20 countries. Access and benefit-sharing (ABS) projects are a key driver for development and innovation and can deliver significant economic, social and environmental benefits to society. In 2000, for example, the size of the market for products based on genetic resources was estimated to be between US\$500 and 800 billion per year. Furthermore, a review of the origin of drugs over a 22-year period (1981-2002) indicated that three-quarters of drugs in the areas of cancer and infectious diseases were of natural origin.

15. UNDP is working with governments and stakeholders in developing countries that already have a policy framework in place for ABS in order to assist them in accessing financing and to facilitate ABS deals such as sustainable ethical bioprospecting programs or deals between corporations interested in accessing genetic resources and organizations representing the providers of these resources. In this context, UNDP is also supporting local and indigenous communities for the development of payment and benefit-sharing mechanisms and bio-cultural community protocols. The ultimate goal is to facilitate private sector engagement and community involvement in ABS deals that result in nature-based products. These products should deliver significant economic, social and environmental benefits through the negotiation of monetary (such as royalties and payments per sample) and non-monetary (such as biodiversity conservation, technology, research and training opportunities) between the providers and users of genetic resources.

16. **The Secretary of the International Treaty on Plant and Genetic Resources (ITPGRFA), Dr. Shakeel Bhatti** made a presentation focusing on the relationship between the ITPGRFA and CBD, the ITPGRFA's core ABS system and ongoing collaboration.

17. **The Officer-in-Charge, Trade, Environment, Climate Change and Sustainable Development Branch, Division on International Trade in Goods and Services and Commodities, United Nations Conference on Trade and Development, Mr. Bonapas Onguglo** made a presentation on the "Biotrade initiative: Putting the CDB objectives into practice" of UNCTAD. His presentation provided a snapshot of UNCTAD's work on trade and sustainable development from the perspective through its BioTrade Initiative. The BioTrade Initiative was launched in 1996 with the aim of promoting trade and investment in biodiversity as a means of furthering sustainable development in line with the three objectives of the Convention on Biological Diversity. BioTrade refers to the collection, production, transformation and commercialization of goods and services derived from native biodiversity in environmentally, socially and economically sustainable ways. Sectors in which BioTrade is involved includes cosmetics, personal care, food, pharmaceuticals, textiles and natural fibre, sustainable leather and handicrafts.

He showed, as an example, a short UN TV production of a concrete case of two biotrade initiatives at grass roots level in Ecuador that combined the three objectives of CBD. These included the conservation and sustainable use of alpaca fibre to produce high quality garments that created jobs and incomes benefitting 500 families and especially women; and the Jambi Kiwa herbal tea bags production and exports to local and international markets."

18. During the **interactive discussions** that followed the presentations, important issues that were highlighted by member states, civil society and UN agencies included the interlinkages among the three objectives of the Convention; the importance of entry into force of the Nagoya Protocol for operationalizing international rules on access and benefit-sharing; capacity-building for developing countries; the importance of resource mobilization and the commitment to

achieving the target on this issue that was adopted at eleventh meeting of the Conference of the Parties to the Convention; the relevance of mainstreaming biodiversity into the post-2015 Development Agenda and the Sustainable Development Goals, which could also contribute to addressing social and economic issues; the interaction between biological and cultural diversity; the need for sustainable land management and restoration of degraded ecosystems for achieving food security and a number of the Aichi Targets; issues of cross-border communities and genetic resources; the protection of traditional knowledge in light of existing intellectual property frameworks and ongoing discussions in this area; the development under the CBD of a plan of action for customary sustainable use of biodiversity that aims to safeguard biocultural values and use of biodiversity by indigenous and local communities; and the interaction among different United Nations agencies working on biodiversity-related issues, including among the three Rio Conventions. The effectiveness of joint endeavours of the CBD and UNCCD through their liaison arrangements in New York in advocacy and outreach such as through the Special Event was also flagged. It was also suggested that mapping how biodiversity is addressed in different UN processes would assist in understanding of this subject. The issue of future GA discussion to encompass the problematic and threats to biodiversity to better protect it was also raised.

The presentations can be found at:

<http://www.un.org/en/ga/second/68/sideevents.shtml>

And

<http://sustainabledevelopment.un.org/index.php?page=view&type=13&nr=511&menu=23>