

## **Call by Civil Society Organizations at the start of the 7<sup>th</sup> Meeting of the Working Group on Access and Benefits-Sharing**

Half a generation of postponing the implementation of one of the three objectives of the CBD has served the spread of organized biopiracy. There is no excuse for further delays. The negotiations now are neither about gap analysis, nor about studies, but about political will and countries' positions. Civil society will witness the negotiations and name and - if necessary - shame governments who continue to obstruct the negotiations and violate their responsibilities under the CBD.

Our main concerns on some of the key aspects which will be negotiated at this meeting are the following:

### **On Scope and Definitions**

The definition of "use of genetic resources" has to guarantee that all benefits derived out of genetic resources are covered by the International Regime. Substantive benefits, especially for the pharmaceutical and cosmetic industries, are derived from metabolites. In addition, screening is much cheaper and faster, if based on genetic resources with traditional knowledge on their biological activity. Therefore the following uses have to be included into the definitions, thus affecting the scope of the Regime:

- Screening making use of genetic resources and traditional knowledge
- Extraction of metabolites
- Chemical synthesis of metabolites
- Synthetic analogue chemicals inspired by naturally occurring metabolites

### **On Access**

We want to point out problematic clauses in the access standards proposed by the European Community. For instance: Respect for customary law and community decision-making processes is crucial. A short time frame and any strong financial restriction for obtaining PIC in the EU proposals run counter to adequate and credible process for reaching Free Prior Informed Consent by indigenous peoples and local communities.

### **On Compliance**

The growing link between public and commercial research, the shortening of the time-span between basic research and application, and the increasing number of patents filed by public research institutions make it obvious that the research sector cannot be naively exempt from full ABS obligations.

In order to ensure compliance, strong legal measures in user countries are essential. Check points have to be established, such as research funding and publications for non-commercial research and, amongst others, disclosure of compliance in Intellectual Property Rights Applications and applications for market approval.

In this regard we congratulate India for elaborating strong operative text on Intellectual Property Rights and Disclosure.

Affordable access to justice for all has to be guaranteed by a mechanism inside the regime.

We support many of the creative proposals for operative text brought forward by the African group regarding for instance:

- promoting and securing the rights of indigenous peoples and local communities, especially by community protocols
- linking access to sustainable use, also in the context of patents

The Civil Society Organizations look forward to all opportunities to discuss these and other topics with delegates over the coming days.