

# Access & Benefit Sharing ?

## Policy Briefing

**Title This is an extract from the BirdLife Policy Brief for CBD COP-10, Nagoya - BirdLife Policy Brief for CBD COP-10, Nagoya - Access & Benefit Sharing** Access to genetic resources and the fair and equitable sharing of benefits arising from their use is one of the three fundamental objectives of the Convention on Biological Diversity (CBD). This provision is commonly known as Access & Benefit Sharing or ABS. It refers to the way genetic resources ? whether from plants, animals or microorganisms ? are accessed in countries of origin and how the benefits that result from their use by various research institutes, universities or private companies are shared with the people or countries that provide them. In 2000, CBD members created a working group to address concerns of bio-piracy and ensure that developing countries benefit from discoveries based on native species or traditional medicine. Bio-piracy refers to the commercial exploitation of plants or other genetic matter without adequately compensating the countries and communities where they are found. The World Summit on Sustainable Development (WSSD), held in 2002, asked the CBD to complete the development of a new regime on ABS by 2010. Since its creation, the ABS working group has met more than nine times. The draft protocol, introduced in March 2010 at the ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit Sharing in Cali, Colombia, gathered the essential parts of the international regime but has since been the subject of countless amendments in the form of bracketed text leaving several options for further discussion. Further meetings in Montreal in July and September to try to obtain consensus on key issues failed to issue a text agreeable to all parties and bracketed text was again found throughout the draft text. Critical issues that remain outstanding include the scope of the new protocol, the provisions on access, benefit sharing, and compliance. BirdLife believes that it is imperative that COP-10 wraps up negotiations on the international ABS regime resulting in a Protocol to the CBD which is legally binding. The treaty must be comprehensive and should have an effective compliance system. The critical importance of this issue is manifest in the stated resolve of many developing countries to block progress in all other aspects of the Convention unless there is consensus regarding the establishment of a legally binding regime on ABS. Governments must muster the political will to resolve the outstanding issues at the next meeting of the working group and endorse a new protocol in Nagoya.