

# Overview on ABS Issues

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# Development

- Equality
- Alleviation of Poverty
- Conservation of Nature
  
- Alternative Development
- Sustainable Development
  
- North-South Problem

Major Agenda for UN, UNU

# Source of Finance

- Aid
- Export
- Natural Resources
- Transfer of Technology
- Benefit Sharing
- International Taxation

# Natural Resources

- Mineral Resources
- Living Resources
  
- UN GA Res. UNCTAD, NIEO Charter
- UNCLOS: Deep Sea Bed, EEZ
  
- Permanent Sovereignty over Natural Resources
- Sovereign Right over Natural Resources

# New Source of Fund for Development

- Genetic Resources
  - Traditional Knowledge
  - Bio-technology
  - Intellectual Property Right
- 
- Access Control
  - Benefit Sharing

# Control Measures

- Effectiveness

  - Lessons from CITES

- at the point of export, and also
- at the point of import

# Export/Take

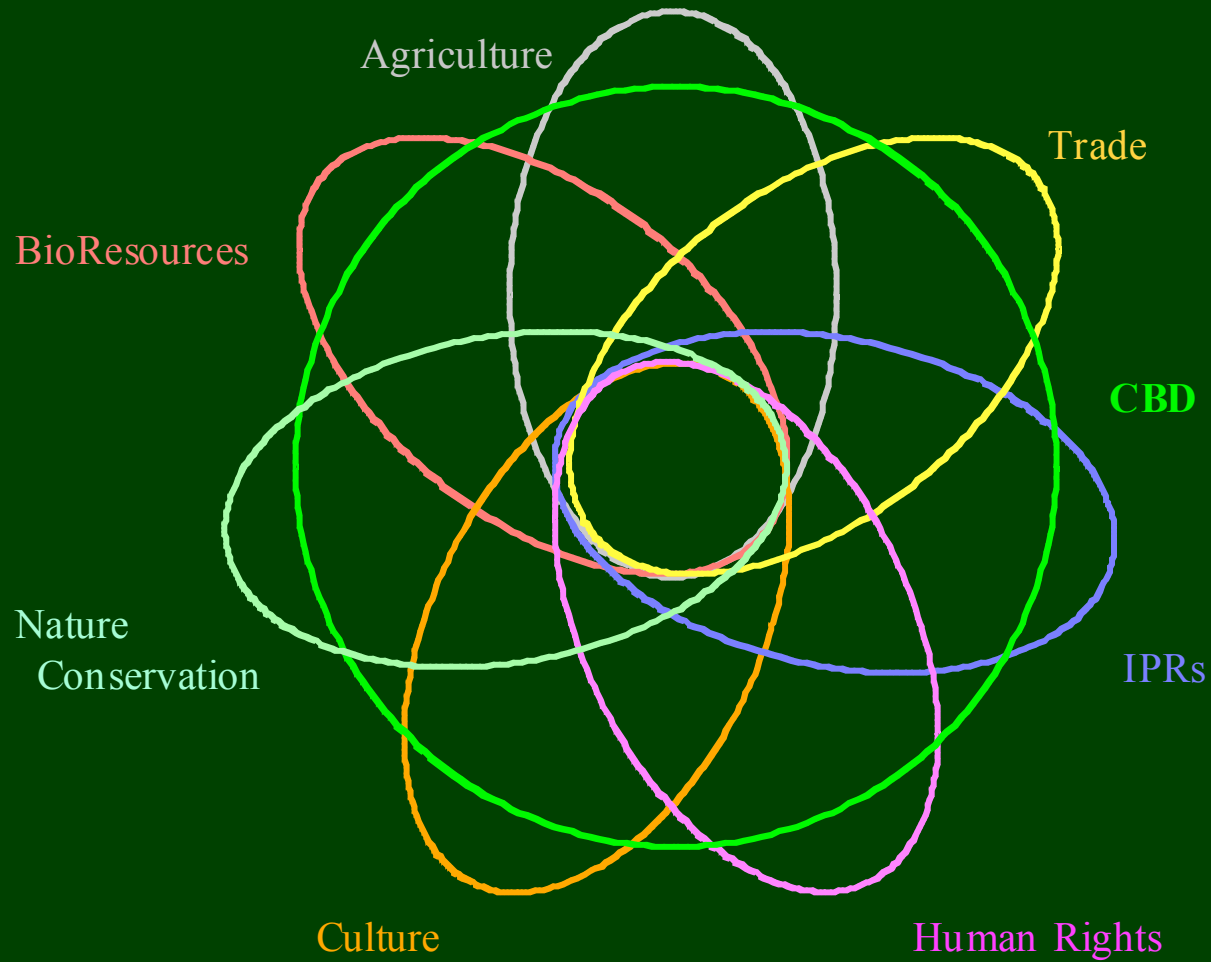
- Export: PIC from the State  
and also over
- Domestic Trade
- Taking
- Prospecting
- Research
  
- Access to Resources and TK  
PIC from local people

# Import/Use

- Import
  - and also over
- Domestic Trade
- Commercial Use
- IPR Application: Disclosure of Origin
  
- Certification
- Tracing Mechanism



# Biodiversity Related Areas



# Layered Approaches

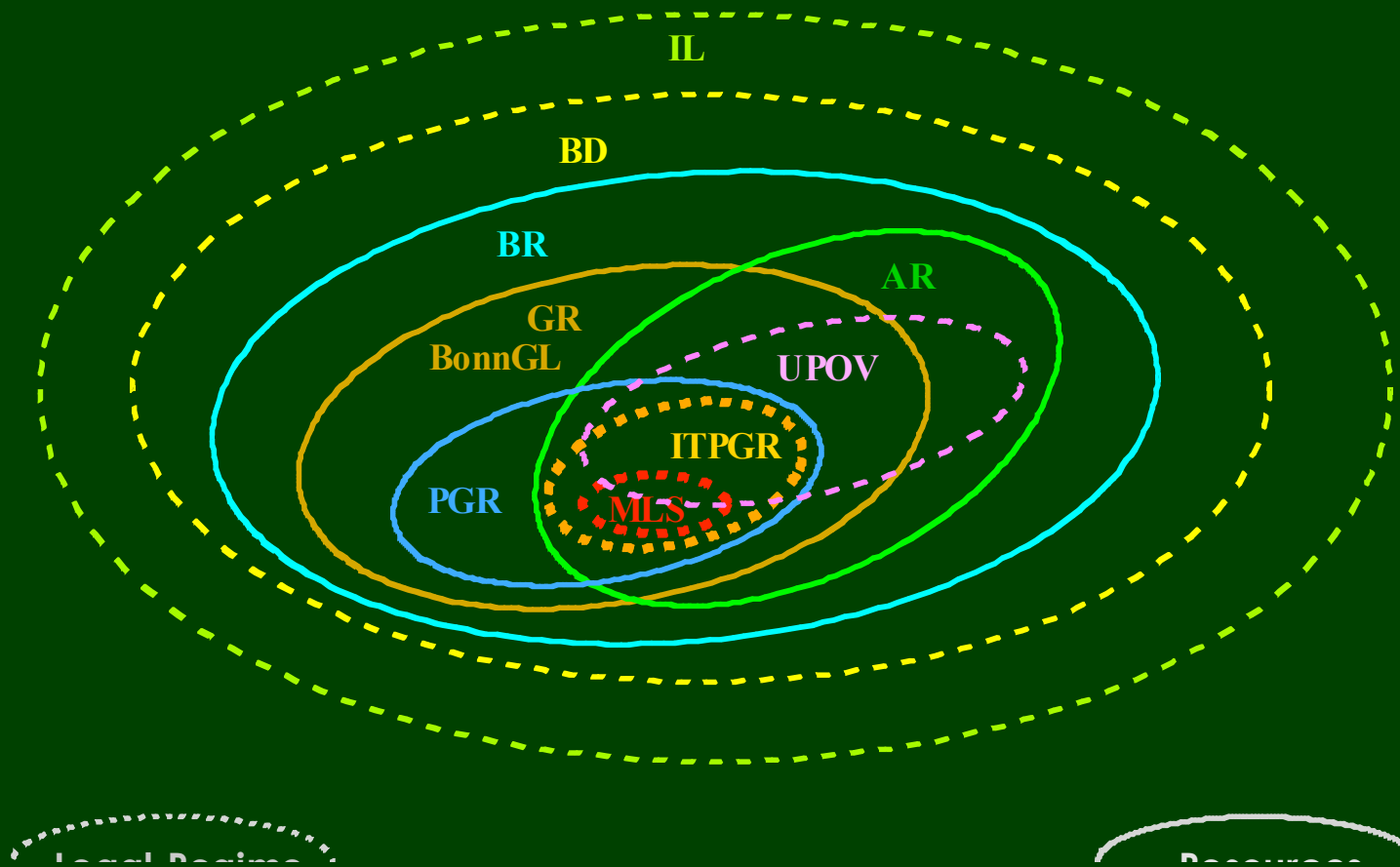
- International  
Treaties  
Organizations
- Regional
- National

# CBD & Bonn Guidelines

## ITPGR

- CBD Art. 15, 16 and 19
- Bonn Guidelines, CBD VI/24
- ITPGR
- Cooperation between  
Providers and Users

# Bio-resources and Legal Regime



# International Organizations

- ECOSOC, IBRD, ILO, UNCHR, UNESCO, UNICEF, WHO
- ITTO, UNFF, UNCCD, UNDP, UNEP
- WTO, UNCTAD, WIPO
- FAO, UPOV,

**TRADITIONAL KNOWLEDGE AND THE CONVENTION ON BIOLOGICAL DIVERSITY**

**WHAT IS TRADITIONAL KNOWLEDGE?**

Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment, traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds. Traditional knowledge is mainly of a practical nature, particularly in such fields as agriculture, fisheries, health, horticulture, and forestry.

**CBD**  
Secretariat  
of the Convention  
on Biological Diversity

**UNEP**

# WIPO/PLT 2000

## WSSD 2002

- Patent Application
  - Disclosure of Origin
  - Legality of Access
- WSSD Decision:
  - Development of
    - an international regime

# Regional Approach

- Andean Community: Decision 391, 486
- OAU: Model Legislation
- South Pacific: Guidelines
- ASEAN: Framework Agreement (Draft)

# Domestic Laws

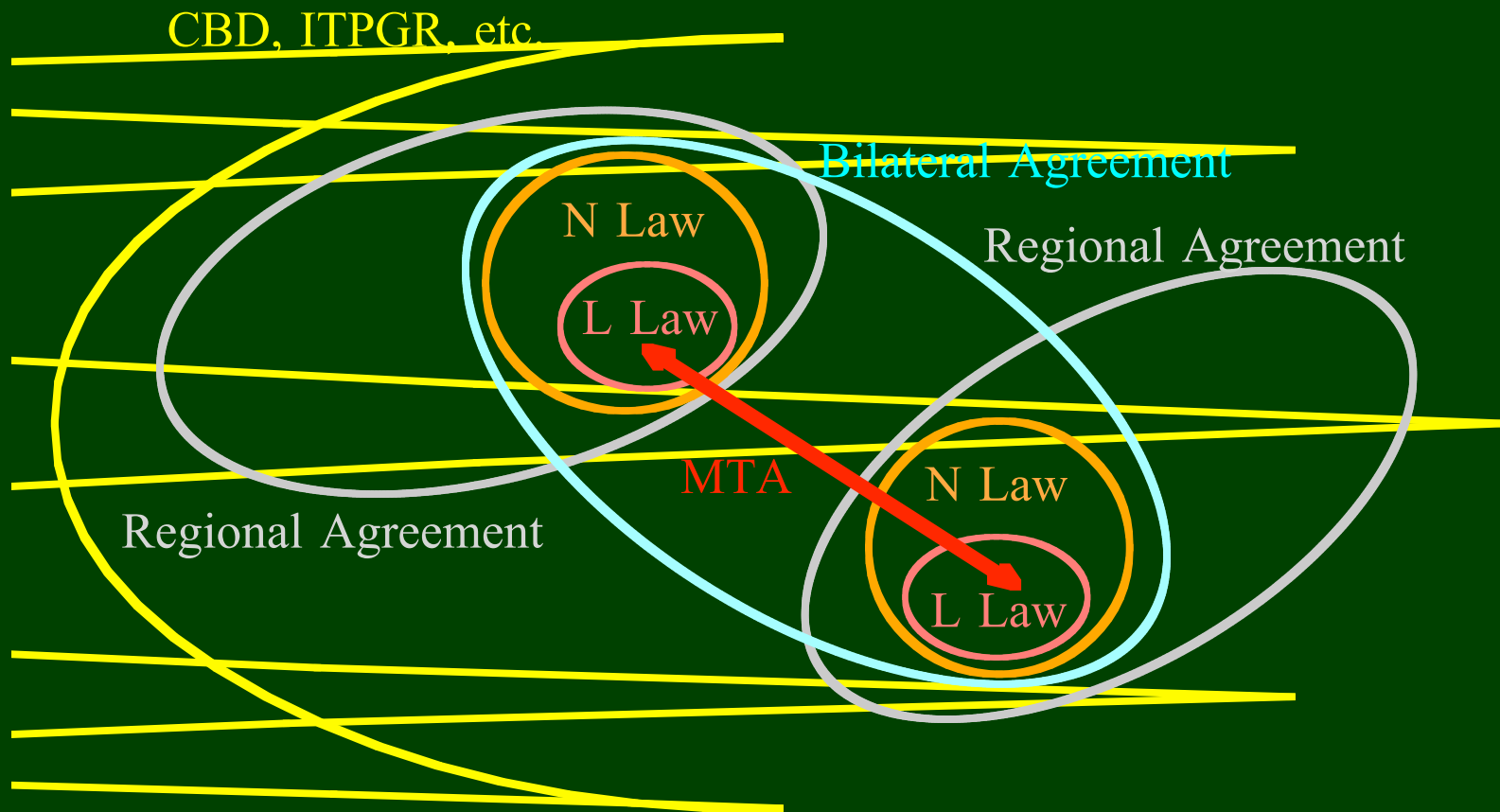
- Philippines: Executive Order 247, 1995
- Costa Rica: Biological Diversity Law, 1998
- Brazil: Provisional Measures 2186-16 2001
- India: Biological Diversity Act, 2002
  
- Panama, Peru,
- Thailand, Malaysia, Australia, Samoa,



# Desirable Framework

- Regional/Bilateral Agreement: MAT
- Domestic/Local Laws and Regulations
- Private Contract: MTA
  
- Compliance/Implementation/Enforcement
- Dispute Settlement
- Liability

# Laws on ABS



# Mutual Benefit

- Biodiversity and Development
- Provider Country/Company/People
- User Country/Company/People
  - Fair and Equitable Basis
  - Facilitation/Assurance
  - Accountability/Transparency
- Important Role of User Company