

DECISION 12

ACCESS TO GENETIC RESOURCES AND BENEFIT SHARING AND THE PARTICIPATION OF THE REGION IN THE NEGOTIATIONS OF AN INTERNATIONAL LEGAL REGIME

Considering the principles of the Rio Declaration, particularly the sovereign right of the States to their natural resources, including genetic resources, decision 8 of the Fifteenth Meeting of the Forum of Ministers of Latin America and the Caribbean (Panama, 2005), which confirms the strategic importance for the Region, as owner of the greatest biodiversity of the planet, of ongoing negotiation of the International Regime on Access to Genetic Resources and Fair and Equitable Benefit Sharing under the framework of the Convention on Biological Diversity (CBD);

Reaffirming that Access to Genetic Resources and Fair and Equitable Benefit Sharing is an issue of crucial importance for the countries of the Region and that the status of the ongoing multilateral negotiations, mainly within the framework of the Convention on Biological Diversity, require greater attention and participation of these countries, so that the regional needs and interests are presented, protected and respected;

Recalling that through decision 8 it was resolved to create a working group on access to genetic resources and benefit sharing as a regional discussion opportunity for the negotiations of the International Regime, as well as the promotion of regional and sub-regional activities, including the organization of meetings, Workshops and other means directed towards furthering knowledge and information exchange on the issue of access to genetic resources, benefit sharing and traditional knowledge, in identifying the priorities and demands of the Region and place it in a better position in the negotiation process of the International Regime;

Taking into consideration the meeting of the Working Group (Paipa, Colombia, 20 and 21 September 2007) supported and called upon by UNEP with the main purpose of addressing the topics on the agenda of the Fifth and Sixth Meetings of the Ad-hoc Open-ended Working Group on this issue established within the scope of the Convention on Biological Diversity, enabling information exchange, perspectives and points of view to be considered at said international processes;

Realizing the importance of the results and recommendations arising from the meeting of the Working Group in Paipa and the proposal to the Sixth Meeting of the Ad Hoc Working Group on Access and Benefit Sharing of the CBD in Geneva, as an important contribution for the participation of the countries of the Region in the multilateral negotiations on Access and Benefit Sharing;

Taking into consideration that the Convention on Biological Diversity acknowledges the value of traditional knowledge of indigenous people and local communities for the conservation and sustainable use of biodiversity and promotes the fair and equitable benefit sharing;

Observing that the complex technical nature of this issue justify that the group may continue its work so as to continue the contribution of specific knowledge on the issues, specifically taking into consideration the accelerated pace of the multilateral negotiations of the international regime;

Taking note of the recent developments in the International negotiation on this issue, specifically the results of the Fifth and Sixth Meetings of the Ad Hoc Open Ended Working Group on Access and Benefit Sharing of the Convention on Biological Diversity;

Considering that the Draft Recommendation to the Sixth Meeting of the Ad Hoc Open Ended Working Group, recognizes the role of UNEP in the future contributions towards capacity development;

Particularly noting with that the decision of the Sixth Meeting of the Ad Hoc Open Ended Working Group on ABS of CBD inviting UNEP in consultation with the CBD Secretariat, to continue supporting and facilitating regional consultations and actions to enable a better preparation on access and benefit sharing;

Considering the actions to be carried out in preparation for the Ninth Conference of the Parties of the Convention on Biological Diversity must be performed to strengthen the regional position of GRULAC on on the issue of Access and Benefit Sharing;

Concerned about the restrictions regarding the provision of international financing for the attendance of delegations from developing countries to multilateral negotiations, in particular to the meetings of the Convention on Biological Diversity;

DECIDE:

1. To adopt the recommendations of the Meeting of the Working Group held in Paipa, Colombia, on 20 and 21 September 2007.

2. To take into account the regional positions presented by the GRULAC at the Sixth Meeting of the Ad Hoc Open Ended Working Group on ABS of the CBD, held in Geneva, from 21 to 25 January 2008.

3. To ratify the need that appropriate measures are taken to ensure that developing countries participate in multilateral negotiations, thus not undermining the representation, transparency and legitimacy of proposals and agreements consolidated at said meetings.

4. To reaffirm that the documents "Annex to decision VIII/4A on the International Regime on Access and Benefit Sharing"⁽¹⁾, the GRULAC proposal made at the Sixth Meeting of the Ad Hoc Working Group, and the Annex of the Draft Resolution adopted in the above-mentioned meetings constitute the texts for the negotiations of the Ad-hoc Open-ended Working Group on ABS of the Convention on Biological Diversity.

5. To continue with the activities of the Working Group, with the full and effective participation of Indigenous Peoples and local communities, and to request for UNEP to provide the greatest amount of support possible to such effects and likewise, to evaluate the options to enable the optimization of the resources that may be used, through the use of communication tools which will include electronic dialogue and debate.

6. To promote the organization of a meeting of the Working Group in the context of the ILAC of this Forum prior to the Ninth Meeting of the Conference of the Parties of the Convention on Biological Diversity, to which effect entrust UNEP with taking measures to obtain financing.

7. To communicate this Decision to the representatives of their respective country in the Group of Latin American and Caribbean Countries (GRULAC), and entrust UNEP with informing this to the Secretariat of the Convention on Biological Diversity.

⁽¹⁾ See document **UNEP/CBD/WG-ABS/5/2**.