

An International Dialogue for Informing Access and Benefit-Sharing



SARAH LAIRD, SAM JOHNSTON, and RACHEL WYNBERG explain the rationale for launching an international dialogue on the commercial use of biodiversity.

Over the last 15 years, a great deal of attention has focused on the ABS provisions of the Convention, but information about the bioprospecting activities these measures are intended to regulate has been anecdotal and only sporadically available. As a result, ABS measures have often been drafted with little grounding in the market, legal, scientific and technical realities of this complex, and rapidly changing, area of research and commercialization.

ABS hurdles

Recent trends in science and technology have affected demand for genetic resources from nature in both positive and negative ways. The limited success of combinatorial chemistry and synthetic compounds over the last decade, limitations to protein engineering, and a realization that natural solutions to the pressures of evolution have resulted in products that could not be engineered in the laboratory, have made genetic resources more attractive candidates for discovery. The ability to isolate DNA directly from samples, without resorting to culturing, also means that the vast genetic diversity in nature can be more easily used. Bioinformatics and sophisticated molecular biology tools also mean that for each sample collected, a great deal more information is accessible, and so only a few strains are needed to keep research programs busy in a given year.

At the same time, the policy environment regulating the use of genetic resources has changed. The 1992 Convention on Biological Diversity represents a paradigm shift in the way we think about natural resources. No longer the common heritage of mankind

they are now part of the national estate, owned and controlled by those communities and nations that live with this diversity. However, implementing effective regimes that control the use of this diversity, or ABS regimes in the language of the CBD, has been challenging. For example, only 15 out of 190 Parties have appointed an ABS Competent National Authority as required by the CBD and only 76 have designated ABS National Focal Points. This lack of progress, combined with a belief that national regulations are ineffective and insufficient to control access and benefit-sharing, resulted in the World Summit on Sustainable Development calling on the CBD to “Negotiate ... an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”.

An important reason for lack of progress in developing international and national ABS regimes is the limited participation in the policy process of industries that use genetic resources. This has been in part due to what some perceive as the frustrating nature of the policy-making discussions, particularly in the CBD process. In part, it has also been due to industry itself remaining unaware of the new policy environment, not realizing the importance of these debates for them, or having largely negative perceptions about the policies. However, this may be changing, COP-8, saw unprecedented numbers of business representatives and business related events.

Even though more and more companies

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understand that ABS is an essential part of business practice there remain major hurdles in developing effective rules. One such hurdle is the wide range and diversity of sectors that undertake research and develop commercial products from genetic resources. They include the pharmaceutical, biotechnology, seed, crop protection,

The International Dialogue has been established to:

- Increase the effectiveness of international and national ABS measures by improving the information and understanding available to policy makers and other stakeholders on the practice of using biodiversity in research and commercial product development;
- Facilitate dialogue amongst stakeholders through the creation of a neutral platform for information exchange and discussion;
- Raise awareness and provide information on the ABS process, and new legal and ethical obligations, to companies and researchers; and
- Inform decision-making at the international and national levels through the development of guiding principles, policy briefs, best practices, etc.

horticulture, cosmetic and personal care, fragrance and flavour, botanicals, and food and beverage industries. Each sector is part of a unique market, undertakes research and development in distinct ways, and demands access to and uses genetic resources very differently. This diversity and complexity within and across sectors

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Hurdles also exist with regard to the diverse understandings and expectations that stakeholders have of bioprospecting, access and benefit sharing. Some, for



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example, see bioprospecting as a potential tool to alleviate poverty and promote development, while others remain deeply suspicious of any activities associated with biodiversity research. There is also confusion as well as communication problems between different groups on the terminology used to describe particular research activities and/or biological material, and different views on the most effective mechanisms to regulate these activities. This is compounded by a lack of clarity about how new tools proposed in international negotiations may work in practice in different sectors.

A dialogue

It is with this background in mind that a group of individuals have come together to launch an International Dialogue on the Commercial Use of Biodiversity, launched under the auspices of the United Nations University (UNI). The short-term goal of the Dialogue is to contribute to the development of an ABS policy framework that is widely supported by diverse stakeholders, and based on commercial, scientific and technical realities. In this way, it will be more likely to succeed in achieving benefits for a wide range of stakeholders (governments, communities, companies, research institutions, etc.) and accomplish a broader range of objectives (improved scientific understanding, new commercial products, capacity-building, conservation of biodiversity, etc.) (see box, previous page). The long-term goal of the Dialogue is to be a trusted information resource and venue for respectful and open dialogue among diverse stakeholders.

The Dialogue is an international process involving individuals and institutions from government, business, non-governmental organizations, research institutions, international organizations, indigenous peoples and local community groups, and donors. The Dialogue will be based on other successful information sharing and consensus-building processes such as the Keystone Dialogue on Plant Genetic Resources and the Crucible Group.

The process will be spearheaded by a Steering Committee, which will provide initial and on-going advice on the design and focus of the process including key substantive issues to address, potential participants, and strategic opportunities for assisting in the development of effective ABS policy. The Steering Committee will include representatives from all relevant stakeholder groups. The Dialogue will include two main activities:

- *Sectoral dialogues* – Three parallel dialogues will take place that represent a range of sectors, namely (1) Pharmaceutical and biotechnology; (2) Seed, crop protection, and horticulture; and (3) Cosmetic and personal care, fragrance and flavour, botanicals, and food and beverage. They will seek to share information on demand for access to genetic resources; provide updates on the changing nature of use, and scientific, technological, legal and market developments; review how this impacts ABS policy; and allow a forum for reactions to proposed policy interventions, and constructive refinements and suggested alternatives to specific proposals.

- *Multi-stakeholder forum* – A larger multi-stakeholder group will provide a forum for discussing cross cutting issues that emerge in each of the three sectoral dialogues, while opening the process to a wider range and number of individuals. This multi-stakeholder group will also provide a venue for developing consensus agreements about best practices, guiding principles, policy briefs, 'findings', etc. that can help inform decision-making about ABS policies at the international and national levels. The larger meetings will also provide an opportunity to inform and engage a wider audience in the issues addressed in the smaller, sectoral meetings.

The dialogue will be launched in 2008 under the auspices of UNU, in conjunction with other partners. The first step is a Scoping Meeting to identify a Steering Committee and to agree on a process for the next two years. Key issues will be addressed in a day long event before the COP in May. We welcome all input and ideas for the Dialogue – please write to this article's authors at the email addresses below.

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