

Business, Biodiversity and Benefit-Sharing: Exploring Best Practices for Biotrade and ABS

A workshop organized in cooperation with

PhytoTrade Africa and the

Nambian Ministry of Environment and Tourism (MET)

18th to 20th June 2007, Windhoek, Namibia

Background

This workshop is part of the **Dutch-German ABS Capacity Development Initiative for Africa**. Background information about the Initiative and full documentation of previous workshops and events is provided on www.abs-africa.info. This website was launched under the Initiative to provide a platform for information exchange and it is envisaged to develop it further into an **ABS Clearinghouse for Africa**.

Despite many controversial discussions on nature, scope and elements of an international regime on access to genetic resources and the sharing of benefits generated from their utilisation it is obvious to all actors that without access to biological or genetic resources **no benefits can be generated by the private sector, which could be shared between the users and providers** of such resources for the benefit of biodiversity conservation and poverty alleviation. Negotiations of the international regime are mainly driven by the governments – the private sector is participating as an observer.

Due to legal uncertainty and the risk to be pinpointed as a “biopirate” some companies have pulled out from natural products research and development. On the other hand it is obvious that bioprospecting as well as the utilisation of biological and/or genetic resources is an ongoing process in many countries. However, the interpretation of the scope of the third objective of the Convention on Biological Diversity (CBD) varies in different national legislations due to the **lack of clear and internationally agreed definitions**, for instance, what has to be understood under the terms “biological resource” and “genetic resource” in practice. In this situation of regulatory uncertainty, some international initiatives with a main focus on biotrade are trying to **provide guidance to the relevant stakeholders** especially the private sector:

- The BioTrade Facilitation Programme (**BTFP**) of the UNTAD BioTrade Initiative is elaborating practical guidelines to facilitate the equitable sharing of benefits arising from the use of biological resources in BioTrade activities (www.biotrade.org/BTFP/BS/Benefit-sharing.htm). PhytoTrade Africa is implementing the BTFP in Southern Africa. For more information see www.phytotradeafrica.com.
- The recently launched International Standard for Sustainable Wild Collection of Medicinal and Aromatic Plants (**ISSC-MAP**) includes criteria relating to ABS and the benefit-

sharing requirement of CBD Article 8j on traditional knowledge (www.floraweb.de/map-pro).

Objectives of the workshop

Recognising the key role of the private sector in achieving the third objective of the CBD this workshop is designed to provide government institutions and other stakeholders an insight into how biological and/or genetic resources get transformed into the ingredients of commercial products. Such understanding is seen as a prerequisite to draft meaningful and applicable national legislation as well as to negotiate a practicable international regime on ABS which will facilitate research and product development (R&D) and at the same time ensure benefit-sharing.

Against this background and to facilitate the exchange between legislators and the private sector the strategic objectives of the workshop are as follows:

- Explore the role and contribution of the private sector in the ABS and biotrade sector within the framework of public-private-partnerships (PPP) and other intervention areas.
- Identify best practices for ABS and biotrade in Southern Africa, such as different approaches to benefit-sharing, and ways to minimize costs to conform to regulatory ABS requirements.
- Explore the borders and grey areas between ABS and biotrade and thereby contribute to the discussion on the scope of the international regime as well as national legislation.

Programme overview

The workshop will consist of the following elements of work:

Establishing the current situation

The private sector and research institutions involved in bioprospecting and biotrade are invited to provide an overview on how biological and/or genetic resources get transformed into the ingredients of commercial products with a view to understand the different actors involved along the value chain and the different channels to the market. A first discussion will provide an insight into the difficulties of how ABS regulations can be applied to and by the private sector.

Demystifying ABS requirements

Existing legislative approaches, e.g. Ethiopia, Uganda, Kenya, South Africa and Namibia will serve as examples to come to practical solutions for regulating ABS with a view to ensure benefit-sharing and facilitate access. Practical examples and feedback based on the experiences of the participants will highlight best practices and areas for further improvement.

Shedding light into grey areas

Building on the results and recommendations elaborated so far, brainstorming on the so-called grey areas of ABS and biotrade will provide ideas and potential solutions from the commercial as well as the regulatory perspective. Grey areas include the distinction of bio-

logical vs. genetic resources, benefit-sharing for transboundary resources and traditional knowledge, as well as engaging in ABS in the absence of national regulations, which is still the case for most African countries.

Engaging in ABS: Benefits for the private sector and measures beyond legislation

Despite legal uncertainty and the risk to be pinpointed as “biopirate” many companies depend on access to biological and/or genetic resources for product research and development to remain competitive in the market. Brainstorming the benefits that such companies can gain from engaging in ABS, such as high corporate social responsibility rankings, and measures beyond legislation, which assist such companies to conform to ABS requirements and minimize transaction costs, will contribute to initiate a dialogue between the different stakeholders and outline a way forward for establishing best practices for ABS.

Products of the workshop

- Recommendations regarding the identified grey areas in the ABS discussion, especially the scope of the international regime.
- Recommendations for measures beyond legislation to assist companies to engage in ABS and to conform to ABS requirements.
- A report that will be transmitted to the CBD Secretariat for distribution as an information document for the 5th meeting of the Working Group on ABS.
- The workshop results will feed into a side event during one of the next meetings of the Working Group on ABS to present the recommendations to a broad audience in preparation for COP 9, Germany 2008.

Participants

The up to 40 participants include private sector representatives involved in biotrade and bio-prospecting, ABS National Focal Points and representatives of Competent National Authorities for ABS, negotiators in the last meeting of the ABS Working Group, relevant international institutions as well as NGOs from the local, national and regional level with practical experiences in the implementation of relevant projects and/or business initiatives.

Date and venue

The workshop will be held in the Safari Hotel in Windhoek, Namibia, from 18th to 20th June 2007.

Contact

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