



Access to Forest Genetic Resources and Benefit Sharing

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The Convention on Biological Diversity, and Access to Forest Genetic Resources and Associated Traditional Knowledge and Benefit Sharing (ABS)

Facts, Interface and Emerging ABS Forest-related Issues

What is the Convention on Biological Diversity (CBD)?

The CBD is one of the key agreements adopted at the 1992 Earth Summit in Rio de Janeiro, where world's leaders agreed on a comprehensive strategy for sustainable development. As biological resources are exploited for economic gain, this international treaty sets out commitments by signatory Parties to protect and conserve the earth's biological diversity while contributing to sustainable development. Signed by a total of 188 countries including Canada, the CBD establishes three main goals: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the use of genetic resources.

Within the Convention, Article 8 (j) addresses indigenous issues, including traditional knowledge. Since 2002, Parties are also addressing forest issues through the Expanded Programme of Work on Forest Biodiversity. This programme, aiming to achieve the three main goals of the CBD, presents a broad set of goals, objectives and activities, structured under three elements covering biophysical aspects, institutional and socio-economic environment, and assessment and monitoring. Other thematic programmes such as inland waters, mountain or island biodiversity may also deal with forest biodiversity issues.

What are Access to genetic resources and Benefit-Sharing (ABS) and the Bonn guidelines?

ABS is the third objective of the CBD, and one of the cross-cutting issues of relevance to all thematic programmes. ABS builds on the CBD enshrined sovereign right of States over their biological resources and aims at ensuring that the world's biodiversity is properly accessed and used, and that monetary and non-monetary benefits derived from the use of genetic resources and associated traditional knowledge are fairly shared between the providers and users of such resources and knowledge. To facilitate progress on the development of national ABS strategies and measures, Parties adopted in 2002 the *Voluntary Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization*. Outlining the role and responsibilities of various national and local players in governing the use and transfer of genetic resources, these voluntary guidelines offer avenues for putting in place procedures relating to ABS. In 2004, the Conference of the Parties to the CBD invited Parties to elaborate and negotiate an international regime on ABS.

What is the interface between forests and ABS?

Estimates show that Canadian forests contain 93 000 of Canada's 140 000 species of plants, animal and micro-organisms, making forests an important ecological component of Canada's biodiversity. In Canada, forest genetic resources are currently accessed, by Canadians and foreign entities, for genetic and biotechnological research and development activities in support of many forest-related specialities (tree breeding, silviculture, forest product processing, etc.) and other fields of practice (food, pharmaceutical, natural medicinal products, etc.). In relation to these activities, an international ABS regime will ensure rules exist to clarify the terms of access to forest genetic resources and associated traditional knowledge, and that any benefits derived from the use of these resources are shared with those who own the genetic resources. By helping to ensure the owners of the resource can accrue benefits from their use, an ABS regime will support the conservation and sustainable use of forest resources.

ABS Policy Development Process in Canada

In 2003, Environment Canada launched a policy development exercise on ABS and was tasked, in 2004, by federal/provincial/territorial Ministers to develop, in close collaboration with provinces and territories, the *ABS Policies in Canada: Scoping the Questions and Issues* paper, released in 2005 (available on the workshop's website). The ongoing policy development process, still at an early stage, is crucial to identify Canada's interests in ABS. It also contributes directly to inform Canadian negotiators and ensures that an international regime on ABS would be reflective of Canadian interests and values. The Workshop on Forest Genetic Resources and ABS is one of the key awareness-raising and outreaching activities contributing to moving the policy process forward and better understand the linkages between ABS and forest genetic resources.

What are the emerging issues in relation with ABS in the forest sector?

Here are examples of questions that could be raised by forest stakeholders in relation to ABS:

Scientists

"If I only want to access one gene in a particular plant/animal, does that still fall under the ABS agreement? Can I still collect plant animal specimens for my breeding program?"

"How will ABS affect my ability to exchange plant/animal material with international colleagues?"

"If the access I want is for non-profit work, what kinds of benefits are to be shared?"

Private sector

"How will access to a particular plant/animal be granted? Will there be information regarding who to contact for accessing a particular resource?"

"Will Canadians or Canadian companies get preferential access, or rules regarding the exclusivity of access, so my company could become for example the sole Canada wide manufacturer or provider of a particular plant/animal-based product?"

"Would my company be able to get intellectual property rights on a particular use of species or a genetic sequence? How will it share the patent benefits, and with whom?"

Aboriginal Communities

"Will we lose the right to harvest plants/animals on our traditional lands, such as the wild rice, unless we are granted access? Will we be able to negotiate benefit-sharing agreements so that we benefit from the natural health products based on our traditional knowledge?"

Landowners

"Will I be responsible for enforcing ABS rules on my land, keep track of who has been awarded access to every particular species on my property, and restrict access to others for this species? What is my liability exposure if I don't enforce them, or I do wrongly because I don't fully understand the rules?"

"Will the plant/animal resources on my land belong to me so I can use them, or I have to apply to do so? Will any benefits I make from them have to be shared with others?"

As a Canadian stakeholder with a specific interest in forest issues, you are cordially invited to share your views on ABS at the Workshop...



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