

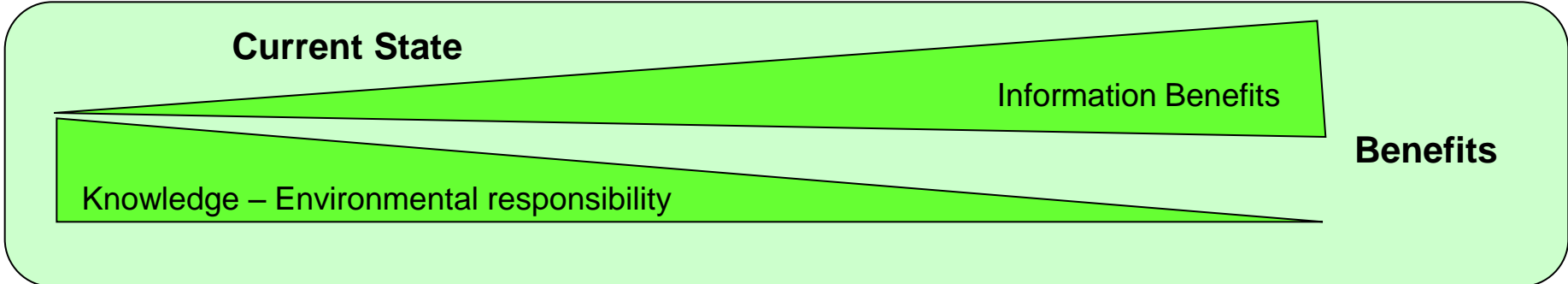
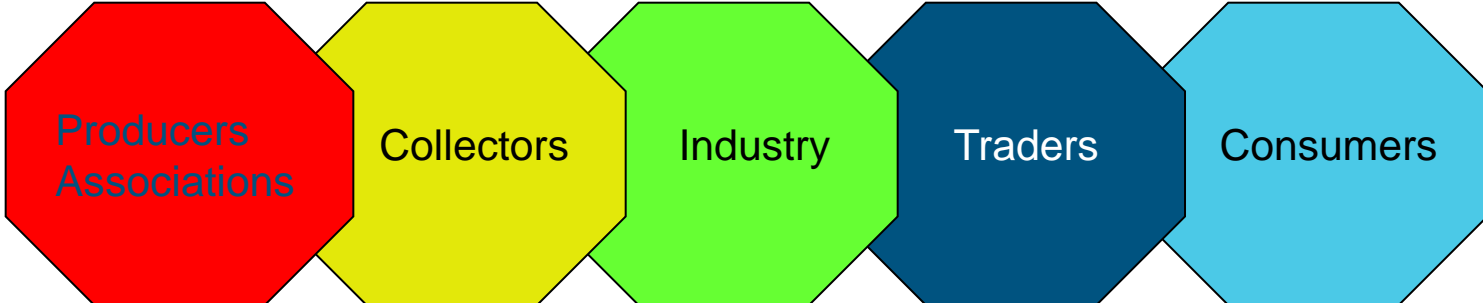
# Challenges on the Implementation of BioTrade and ABS

## Issues related to the use of ABS in BioTrade activities



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# The BioTrade Supply Chain Concept

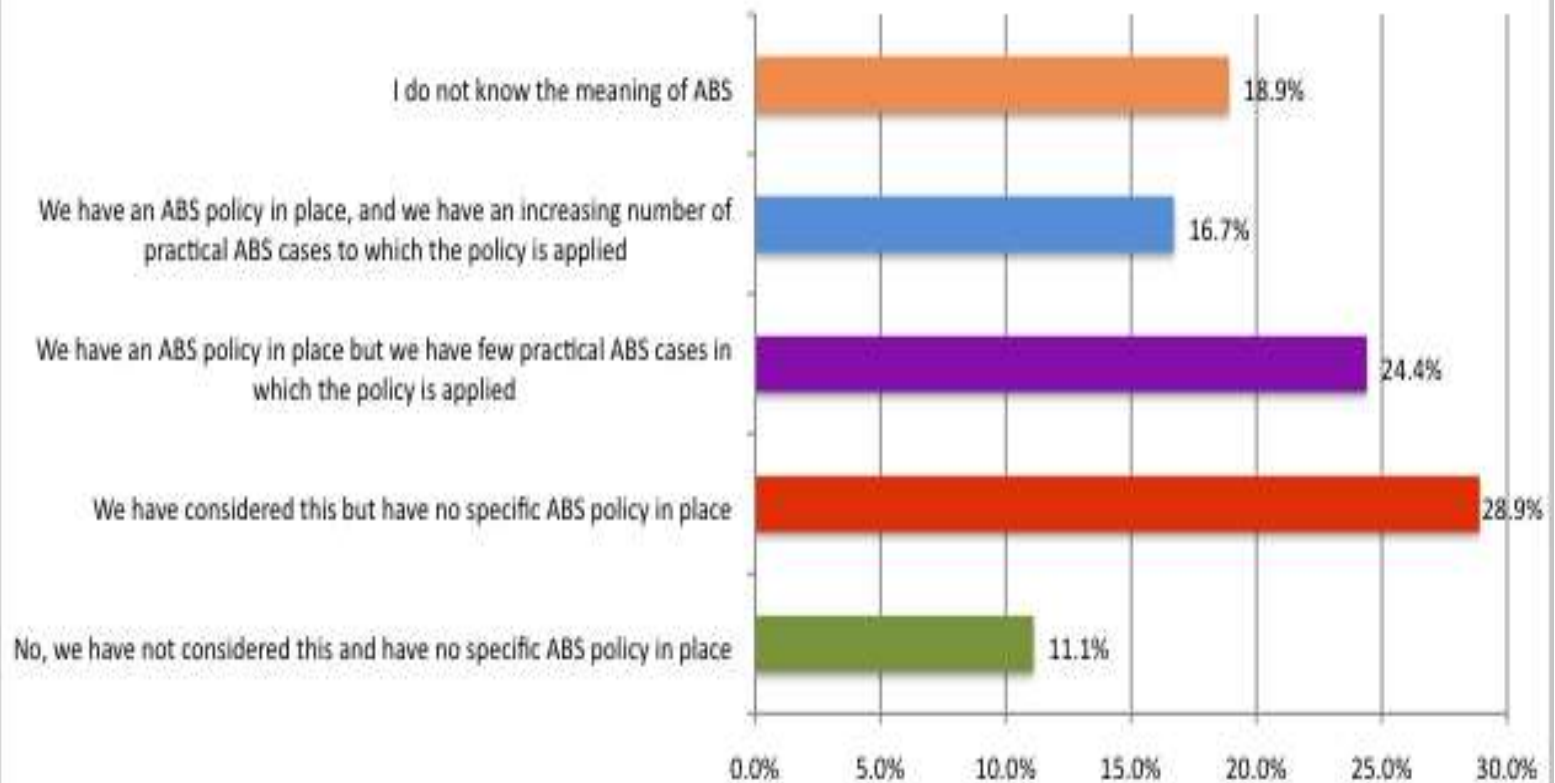


# The Challenge (UEBT/IFC Mapping Study in Andean Countries)

- A large amount of producers and manufacturers operating in the cosmetics, food and biopharmacy sectors are rarely familiar with the ABS concept, IP and TK; Those unfamiliar are generally:
  - Unsecure due to the lack of understanding of ABS rules and procedures; or
  - Primarily concerned with by the complexity of ABS administrative regulations; or
  - Uninterested by adherence to ABS requirements;
- **In Brazil:** 46 percent of companies interviewed by UEBT do not know the meaning of ABS or do not consider developing an ABS policy while 14 percent do have an ABS policy in place with practical ABS cases;
- **In Colombia:** 28 percent of companies do not know the meaning of ABS or do not consider developing an ABS policy, while 16 percent do have an ABS policy in place with practical ABS cases;
- **In Bolivia:** 30 percent of companies do not know the meaning of ABS or do not consider developing an ABS policy:while 17 percent do have an ABS policy in place with practical ABS cases;
- **In Peru,** the situation is better with 36 percent of companies having an ABS policy in place with practical ABS cases.

# The Challenge - Bolivia

Does your organization have a policy on Access and Benefit Sharing (ABS) of biodiversity to guide Research and Development (R&D) of new products and sourcing practices of natural ingredients?



# The Vietnam Challenge



# What should national ABS regimes consider (ABS-CH)?

- Nature and types of GR/BR concerned with ABS and for what purposes or utilizations?
- How is access to GR/BR and utilization of GR/BR defined and what activities are covered by ABS requirements?
- What makes a BioTrade transaction eligible to ABS?
- Who owns GR/BR?
- How is IPLCs and TK defined; who owns TK associated with GR/BR; and what rights are associated with the ownership of TK?
- Under what conditions can national users be authorized to access GR/BR? – Are they subject to PIC and MATs?
- Would those conditions be the same as for foreign users?
- Who grants PIC for use of GR/BR or TK?
- What are the procedures for PIC for either scientific or commercial activities? – What are the key conditions for obtaining PIC?
- What are the key elements of MATs and what are the procedures for the negotiation of MATs
- What are the key elements in place for the sharing of monetary and non-monetary benefits



# Implementing Benefit Sharing regulations

- **How to and who should decide between the two options?**
- **How would those benefits be shared between the government and IPLCs?**
- **Where would those benefits be deposited?** In the case of Brazil the government established a Benefit Sharing Fund. What other institutional options are available that would lead to biodiversity conservation and sustainable use through a combination of rights and incentives?
- **Who is entitled to negotiate and sign benefit sharing agreements?**
- **Which institution would be responsible for the management and monitoring of those benefits, including disbursements?**



# Institutional mechanism for implementation of national ABS

- **Appropriate links to be established between the Ministry of the Environment (endowed with the mandate to implement ABS) and sector institutions dealing with**
- **Rural development/Forestry**
  - Right-based approach to access GR/BR; implementation of PIC and MATs; management of local committees to implement ABS
- **Agriculture**
  - ITPGRFA -
- **Science and Technology**
  - R&D (with particular reference to IP); bioprospecting and related benefits sharing
- **Planning and Finance**
  - Resources needed to implement ABS; capacity building
- **Trade and Investment**
  - Tracking and tracing GR/BR outside national boundaries
- **Chamber of commerce and professional associations**
  - Raising awareness and popularizing ABS





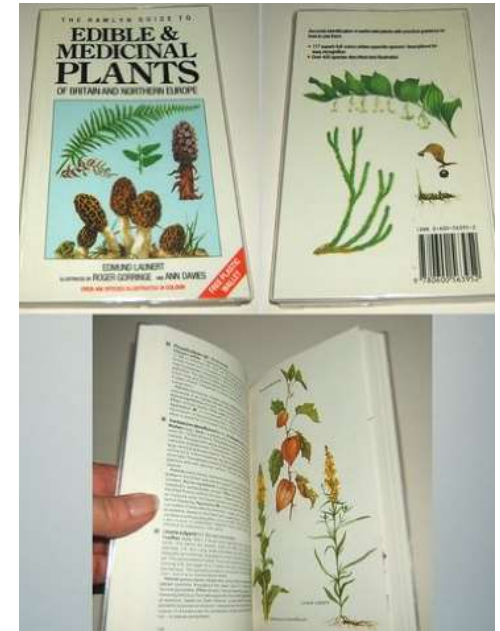
# Increasing Awareness for ABS and Expanding ABS Knowledge

- **Facilitating mutual understanding between:**
  - Providers of GR/BR including IPLCs, traders, SMEs; and
  - Commercial users, researchers, foreign companies (cosmetics, food, bio-pharmacy)
- **Capacity building and training for:**
  - Improving IPLCs decision making and negotiation skills;
  - Increasing compliance with regulations, certification and quality standards:
- **Awareness raising and information dissemination;**
  - National knowledge platform (professional associations)
  - Documenting successful ABS Cases



# Making the drafting national ABS regime user-friendly

- **Avoiding possible overburdening of ABS administrative regulations**, notably with regard to PIC, MATs and benefit sharing processes;
- **Addressing practical implications of ABS measures** (e.g. costs of compliance, sharing of responsibilities among value chain's stakeholders);
- **Defining practical strategies and tools** to engage providers (IPLCs) and users (public/private companies) into interactive relationships;
- **Translating ABS regulations into business terms and opportunities**



# Thank You

**BioTrade: an integrated chain of activities**

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