

**Speech of the Executive Director of UNEP to the  
Meeting of the Group of the Likeminded Megadiverse Countries**

**New Delhi, India, 17-21<sup>st</sup> January 2005**

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**Honorable Ministers, Colleagues and Friends,**

1. It is indeed a great honor for UNEP to be invited to this Ministerial Meeting of the "Group of Likeminded Megadiverse Countries", taking place in India, a country with such extraordinary diversity<sup>of</sup> natural ecosystems and cultural beauty, quite evident here in New Delhi.

2. First and foremost I would like to thank the Government of India, through The Ministry of Environment and Forests, and my friends and colleagues here, not only for making this important event possible, but also for their exquisite hospitality.

3. When the Ministers of the Environment and their representatives from 12 megabiodiversity ~~and~~ countries adopted the Cancun Declaration on 18<sup>th</sup> February 2002 in Cancun, Mexico, they voiced a growing concern over the limitations of various international instruments to effectively protect and promote the interests of developing countries rich in biological resources. They highlighted the need for a global, legally-binding instrument on ABS. Six months later, at the WSSD in Johannesburg, the firm call was made for the international community to negotiate an international regime on ABS. It is very gratifying to see the expansion and consolidation of the Group of Like-Minded Megadiverse Countries, into an effective mechanism of consultation and cooperation on the issues of biodiversity conservation and sustainable use for the benefit of humanity and, in particular, of countries of origin of biological resources, indigenous and local communities.

At this meeting,

4. Over the past <sup>five</sup> two days, we have been given the opportunity of deliberating on a full agenda as well as enjoying the unique cultural and biological diversity in a conducive atmosphere.
  
5. This meeting is not only another great and historic occasion for the megadiverse countries but also a timely one. Its importance is signified by the presence here of nearly/if not all the Environment Ministers of the seventeen countries belonging to this new group, and by highly qualified experts from all these seventeen countries.
  
6. And it is timely because it is the first in a series of two other biodiversity-related meetings of global significance taking place since the conclusion of the CBD COP-VII in Kuala Lumpur, where the Ad Hoc Working Group on ABS was mandated to negotiate and elaborate the international regime on ABS. As you are aware, the 10<sup>th</sup> Meeting of SBSTTA of the CBD will be held next month from 7-11 February 2005, back-to-back with the 3<sup>rd</sup> Open-ended Working Group <sup>on</sup> ABS, scheduled for 14-18 February 2005.

**Distinguished Guests, Ladies and Gentlemen,**

7. Since the *Convention on Biological Diversity* entered into force in late 1993, access to genetic resources and benefit sharing, legal systems have been enacted in various countries and regions such as the Andean Community (1996), the Philippines (1995), Costa Rica (1999), Brazil (2000), Nepal (2001), Australia (2002) and, furthermore, at least 50 other countries are also well advanced in their policy and regulatory processes on the issue.

8. In all these systems, as you may be aware, the ultimate aim is <sup>to</sup> enhance and ensure the fair and equitable sharing of benefits arising from the utilization of the genetic resources by creating adequate incentives and legal frameworks for supporting appropriate bioprospecting activities. However, in order to streamline these systems within international and national laws and regulations, a more practical and realistic framework needs to be elaborated and negotiated hence the importance of <sup>the</sup> contribution of this Group to the work of the forthcoming ABS <sup>Ad hoc</sup> Working Group.

9. In reality, the actual physical features of genetic resources or samples of biological materials altered by technological developments makes it hard for restrictive models to actually achieve their purpose, which is to control the flows of genetic resources and sharing of benefits arising from the utilization of these genetic resources. This outstanding aspect, which is often overlooked by policy makers is important and due attention should be paid when shaping ABS policy and regulatory frameworks.

10. UNEP has played a role in supporting the work of the Group during its establishment phase, and will continue to play its role, as appropriate, in support of the future work of the Group.

At this juncture, it is important to observe that UNEP is actively working in all the 5 priority areas of focus of the Megadiverse countries namely:

- Support to the work of the Ad Hoc Working Group ABS mandated to elaborate the International regime to promote and safeguard the fair and equitable sharing ~~and~~ of benefits arising out of the utilization of genetic resources
- Capacity building for access and benefit sharing and related matters

- Traditional knowledge
- Intellectual property rights
- Biosafety and Biotechnology

11. To this end, UNEP will endeavour to mobilize resources and provide technical assistance to countries in the implementation of the Action Plan on Capacity Building for Access to Genetic Resources and Benefit Sharing adopted by COP-7 of the Convention on Biological Diversity and elaborated in the annex to Decision VII/19 F, in particular on the issues identified under section B of the Action Plan on "Key areas requiring capacity-building".

UNEP will likewise mobilize technical support and assistance to build capacity of stakeholders to negotiate mutually agreed contractual terms on ABS, among others, by providing information, training materials and relevant toolkit(s), as appropriate, in collaboration with the CBD, WIPO, UNCTAD and other relevant organizations.

12. One approach that would assist countries to participate effectively in the negotiation process is the reviewing of all existing sets of guidelines, identifying common elements and best practices, examining the CBD and other model laws, and producing and reviewing guidelines. This will ensure that the acquired guidelines and supportive measures meets all circumstances avoiding duplication while adding value, as well as clarity and flexibility. So I can only underline once again that UNEP welcomes this initiative, and is very committed to work with you on it.

Thank you

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