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“Development on the margin”

Does the Convention on Biological Diversity Protect Marginalised and Local People?

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Abstract

In 1993, the Convention on Biological Diversity entered into force with three objectives, (1) conservation of nature, (2) sustainable use of bioresources, and the (3) the fair and equitable sharing of the benefits arising from (2), so-called “Access and Benefit Sharing” or ABS. The origins of CBD lie in the conservation community who wanted an international framework to conserve nature; ABS and sovereign rights of states over its biodiversity were introduced to motivate countries to protect biodiversity. Since bioprospecting for pharmaceuticals was seen as a pioneering industry, promising to generate enormous amounts of profits, local communities, as holder/providers of traditional pharmaceutical knowledge were included into CBD. They are regarded as custodians of biodiversity and depend directly on ecosystem services.

In 2010, CBD has agreed upon the Nagoya Protocol to provide guidance and regulation to regulate access and organise the sharing of benefits.

Thus, CBD transformed into a Convention on Development, on how to transfer wealth from North to South and a Convention on Trade, on how to exchange genetic resources. These issues interfere with existing conventions, institutions and practices, such as WTO, TRIPS, MDGs and FAO but possibly also exchange of bioresources amongst communities.

Hence CBD has major impacts in a wide range of development issues. Current perception is that ABS discussions, even without national legislation in place, rather hinders than promotes activities, which could help marginalised people. Modest benefits are indeed arising but do not seem to promote conservation. Hopes in 1980ies for pharmaceutical based “Green Gold Rush” are largely disappointed, and the term is used to today for biofuels instead.

In agriculture potential benefits are small and benefits arise with significant time delay (for pharmaceutical 5–10 yrs), however, needs for livelihoods and conservation are here today. In general, the benefits arising from breeding are comparatively small and varieties consist of many small contributions by breeders all over the world. This make the actual sharing of benefits in a bi-lateral system as envisaged by ABS impossible.

Keywords: Access and Benefit Sharing, biofuels, biopiracy, convention on biological diversity, IP, local people, marginal people, traditional knowledge