

The work of the Berne Declaration to support the implementation of ABS

Since 1999 the Berne Declaration engages to support the implementation of the third pillar of the CBD, which is Benefit-Sharing. When we started the obligation to share the benefits arising out of the utilization of genetic resources was not well known, neither in the research, nor in the business community and there was a tremendous lack of implementation of the ABS requirements. It was – and still is – our goal to help changing this situation.

We are working on the issue by different means: Awareness building , case studies (incl. campaigns) and lobby work in national and international fora (esp. the Working Group on ABS of the CBD)

Case studies: In order to bring the issue of ABS to the media, to improve the awareness and to advance the political process, it is crucial to highlight specific cases. The Berne Declaration did this several times, always cooperating with partners from the global South. We did research to check if utilizations of genetic resources and associated traditional knowledge have been in line with the requirements of the CBD and the laws and regulations of provider countries. We reported about cases of misappropriation, which in most cases led to a change in the behaviour of the user. In two cases we filed appeals at the European patent office (EPO) to revoke patents granted on the use of genetic resources including traditional knowledge. On the grounds of one of these appeals (on a patent for an extraction method for pelargonium) the patent was revoked by the opposition division of the EPO in January 2010. Later all pelargonium-patents of this company were withdrawn. Interestingly, during the procedure, the opposition division asked the patent applicant to prove the legal access to the genetic resource and the traditional knowledge. In an other case (use of pelargonium against AIDS) the affidavits of holders of traditional knowledge have been accepted and acknowledged as prior art (which would lead to a invalidation of the patent).

Policy work: During the last ten years the Berne Declaration has been part of a small, but committed group of civil-society organizations which monitored the process towards an ABS Protocol. Together with our partners Third World Network, Tebtebba, the german Church Development Service and Ecoropa we published a broad range of policy papers and articles on different ABS issues to inform the negotiators, the media and the public about the ongoing work and occurring obstacles. A range of these papers can be found at <http://www.evb.ch/en/p5360.html> .

Further Information on the issue: <http://www.evb.ch/en/biopiracy>

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The Berne Declaration is a Swiss non-governmental organization with more than 20,000 members. We have been promoting more equitable, sustainable and democratic North-South relations since 1968. To this end, we carry out research, run campaigns to raise public awareness of different issues and do advocacy work. www.evb.ch/en