

**Sixth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WG ABS 6)
Geneva, Switzerland, January 21-25, 2008**

Statement by Michael Hauser, on behalf of ICC

The International Chamber of Commerce would like to thank the CBD Secretariat, our hosts here in Geneva, and in particular, the co-chairs of the Ad Hoc Working Group on Access and Benefit-Sharing, for the opportunity to participate in this week's discussions.

ICC represents a broad cross-section of business activity including manufacturing, trade, services and other professions and thousands of companies of every size in over 130 countries worldwide. Many of ICC's member companies have a direct interest in the CBD negotiations on access and benefits sharing. Not surprisingly, industry itself is diverse in its approach to many of the challenging facets of the ABS negotiations.

ICC has long believed that the best way of achieving the CBD's ABS objectives is for countries to craft national regimes and laws, in the spirit of the Bonn Guidelines, governing access to their genetic resources and for mutually agreed contracts to define how any benefits arising from their use should be shared. This approach is at the very heart of the CBD. It respects the sovereignty of nations over their genetic resources and allows national governments the flexibility to determine the conditions for granting access to genetic resources that best serve their national interests. This approach also allows users and other relevant parties to reach agreements which are appropriate to each particular case and thus respect the CBD principle of sharing benefits according to mutually agreed terms.

The industry delegation recognises there may be scope for an international framework to harmonize and set general guidelines in support of national governments (again, complementing the Bonn Guidelines). These national governments would maintain the authority to determine the conditions for granting access and sharing benefits and would align such procedures with other international agreements to which those nations support or value. However, it is important that the regime faithfully reflects, and does not exceed the mandate of the CBD with respect to access & benefit sharing. An international regime which defines or modifies mutually agreed terms, for instance, would be an inappropriate extension of the authority of the convention.

Industry suggests that the proper focus of an international regime should be on establishing agreed principles for access and benefit sharing, emphasizing broad compliance with the system, providing legal certainty, and determining ways to harmonize the ABS systems of individual nations. Further, the diversity of industry itself leads us to seeing merit in discussing a sectoral approach to many of the challenging issues. Finally, industry remains fully supportive of the principles of the CBD. We have this week perhaps the largest industry delegation to date in the negotiations. We are anxious to participate in greater numbers in the substantive discussions in contact groups and all meetings here in Geneva.