

GROUP LMMC

LIKE MINDED MEGADIVERSE COUNTRIES

MISION

Seventeen countries rich in biological diversity and associated traditional knowledge have formed a group known as the Like Minded Megadiverse Countries (LMMC).

Member Countries

**Bolivia
Brazil
China
Colombia
Costa Rica
Democratic Republic of Congo
Ecuador
India
Indonesia
Kenya
Madagascar
Malaysia
Mexico
Peru
Philippines
South Africa
Venezuela.**

OBJECTIVE

The LMMC Group has been created to Act as a mechanism of cooperation to promote their interests regarding biological diversity and in particular the protection of traditional knowledge, access to genetic resources and the fair and equitable sharing of benefits derived from their use.

Prologue

Biodiversity, the variety of life on earth, provides a large number of goods and services that sustain lives and livelihoods, and ensures ecological stability of the planet. Biodiversity is not distributed evenly or uniformly across the globe. Certain countries, lying wholly or partly within the tropics, are characterized by high species richness and more number of endemic species. These countries are known as Megadiverse countries.

Seventeen countries rich in biological diversity and associated traditional knowledge have formed a group known as the Like Minded Megadiverse Countries (LMMC). These countries are Bolivia, Brazil, China, Colombia, Costa Rica, Democratic Republic of Congo, Ecuador, India, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Peru, Philippines, South Africa and Venezuela. The LMMC Group, which holds more than

70% of all biodiversity, and 45% of the world's population, is now well recognized as an important negotiating block in the UN and other international fora.

While this heritage entails an enormous responsibility for its conservation, it also provides opportunities for development to combat poverty, improve our quality of life, food security and health, and options for technological progress and competitiveness in the context of new applications of biotechnology.

The process of consultation among LMMCs began with Cancun Declaration in 2002, with Mexico as the first President of this Group, and has been carried through Cusco Declaration 2002 and Kuala Lumpur Plan of Action 2004. More recently, India in its capacity as the President of the Group organized a meeting of the LMMCs in New Delhi in January 2005. The New Delhi Declaration 2005 adopted in this meeting has helped sharpen the negotiating stance of the LMMCs especially in the context of the negotiations for the international regime on Access and Benefit Sharing, under the aegis of the UN Convention on Biological Diversity (CBD).

**DECLARATION I
CANCUN DECLARATION
OF LIKE-MINDED MEGADIVERSITY COUNTRIES**

The Ministers in charge of the Environment and the Delegates of Brazil, China, Colombia, Costa Rica, Ecuador, India, Indonesia, Kenya, Mexico, Peru, South Africa and Venezuela, assembled in Cancun, Mexico, on February 18, 2002:

Reaffirming the sovereign rights of the States over their own natural resources and according to the provisions of the Convention on Biological Diversity and our commitment to meet its objectives, in particular Articles 8(j), 15, 16 and 19;

Underlining the need to guide our actions based on a new ethic, where equity prevails in relations among nations and between men and women, and where responsible attitudes must ensure the conservation and sustainable use of biological diversity, taking into consideration the precautionary principle;

Acknowledging our important natural heritage, which represents nearly 70% of the planet's biological diversity, associated with our cultural wealth and diversity, and which must be preserved and utilized in a sustainable manner;

Emphasizing that the resources of biological diversity and the environmental services that depend on them have an immense strategic, economic and social value, and offer development opportunities to our populations and to the international community;

Recognizing the urgent need to develop human resources, institutional capabilities, as well as an appropriate legal framework and public policies to enable our countries to take an active part in the new economy associated with the use of biological diversity, genetic resources and biotechnology;

Underlining the importance of traditional knowledge of indigenous and local communities for the preservation of biological diversity, the development of that knowledge and the sustainable use of its components;

Expressing our concern over the limitations of various international instruments to protect effectively the legitimate interests of the countries of origin of biodiversity;

Reaffirming our will to take an active part in the discussion of issues related to biological diversity within the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO) and other regional and international fora; and

Recognizing that megadiverse countries, particularly those in tropical and subtropical areas, have diverse and highly fragile ecosystems, which make them vulnerable and subject to serious impact on their biodiversity.

WE DECIDE:

1. To create the “Group of Like-Minded Megadiverse Countries” as a mechanism for consultation and cooperation to promote our interests and priorities related to the preservation and sustainable use of biological diversity, with the following objectives:

a. Coordinate our efforts in order to present a common front at international for a dealing with biodiversity;

b. Promote *in situ* and *ex situ* conservation of biodiversity in the countries of origin and develop joint projects to make inventories of their resources and invest in the development and use of endogenous technologies that support the conservation of genetic materials and economic activities sustainable at the local level;

c. Ensure that the goods, services and benefits arising from the conservation and sustainable use of our biological resources are utilized for the development of our peoples, seeking among other objectives to improve food safety, overcome health problems that affect us, and preserve our cultural integrity;

d. Jointly explore ways to exchange information and to harmonize our respective national laws and regulations on the protection of biological diversity, including related knowledge as well as access to biological and genetic resources, and the sharing of benefits arising from their sustainable use;

e. Establish regulatory frameworks to create incentives for the conservation and sustainable use of biological resources, taking into account existing subregional efforts and initiatives;

f. Develop greater scientific, technical and biotechnological cooperation including exchanging experts, training human resources and developing research-oriented institutional capabilities in order to add value to the goods and services generated through biodiversity and ecosystems, while ensuring the development of biotechnology;

g. Create an information system based on the components of biological diversity for research centers, involving national experiences, agreements and on-going projects, as well as possible financing sources for projects and any other relevant information to reach the cooperation objectives set herein, as key elements to create strategic opportunities and alliances;

h. Seek the creation of an international regime to effectively promote and safeguard the fair and equitable sharing of benefits arising from the use of biodiversity and its components. This regime should contemplate, *inter alia*, the following elements: certification of the legal provenance of biological materials, prior informed consent and mutually agreed terms for the transfer of genetic material, as requirements for the application and granting of patents, strictly in accordance with the conditions of access

agreed by the countries of origin;

i. Develop strategic projects and bilateral, regional and international agreements, within the framework of a more effective south-south cooperation, for the conservation and sustainable use of biological diversity and genetic resources;

j. Explore the convenience and viability of creating a special fund with voluntary contributions from megadiverse countries, international financial institutions and agencies, foundations and the private sector in seeking to widen the scope of cooperation on agreed projects for our common benefit. We must also, as a group, identify our own financing sources and other multilateral sources as well, in order to launch joint projects. Those we consider priorities are related to exchanging information and scientific cooperation, among others;

k. Promote, in a spirit of cooperation and for our mutual benefit, with other countries, the private sector and other stakeholders, actions that show they respect the natural heritage of megadiverse countries and can contribute to the conservation, sustainable use and benefit-sharing of genetic resources, according to the Rio Principles and the Convention on Biological Diversity;

l. Strengthen the development of traditional knowledge through public policies and funding for indigenous and local communities, aimed at transforming their innovations, when considered appropriate, into commercially viable projects which directly benefit the communities, using intellectual property rights, such as trademarks and appellation of origin;

m. Promote the development of a *sui generis* regime to protect traditional knowledge, based on instruments and mechanisms of different nature;

n. Encourage the current system of intellectual property rights to take into account the traditional knowledge related to biological diversity when evaluating requests for patents and other related rights; and

o. Jointly combat the illegal acquisition of genetic resources, by exchanging information about negative practices by private or academic institutions, and develop mechanisms to control the final use of the genetic resources of the countries of origin.

2. We call on those countries that are not yet parties to the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, and the Kyoto Protocol on Climate Change to become parties to these agreements.

3. We agree to meet periodically, at ministerial and experts level, and decide that upon the conclusion of each annual Ministerial Meeting, the next rotating host country will take on the role of Secretary of the group, to ensure its continuity, the further development of cooperation among our countries and to reach the agreements and objectives set forth herein.

4. We finally express our appreciation and gratitude to the people and Government of Mexico for having convened and successfully organized this first meeting of the Like-Minded Megadiversity Countries.

DECLARATION II

Cusco Declaration on Access to Genetic Resources, Traditional Knowledge and Intellectual Property Rights of Like-minded Megadiverse Countries

PREAMBLE

We, the State Ministers and high-ranking representatives of Bolivia, Brazil, China, Colombia, Costa Rica, Ecuador, the Philippines, India, Indonesia, Kenya, Malaysia, Mexico, Peru, South Africa and Venezuela assembled in Peru's Urubamba Valley, Cusco, on November 29, 2002.

Reaffirming the Cancun Declaration of February 18, 2002, by which means we decided to create the "Group of Like-Minded Megadiverse Countries" as a consultation and cooperation mechanism in order to promote our common interests and priorities related to the conservation and sustainable use of biological diversity.

Recognizing the sovereign rights of the States over their natural resources according to the provisions of the Convention on Biological Diversity and our commitment to meet its objectives.

Highlighting that conservation and sustainable use of biological diversity as well as the Environmental services provided by the ecosystems have a strategic value for sustainable development.

Recognizing the outcome of the World Summit on Sustainable Development, in particular, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation and within the Plan of Implementation paragraph 42 (o) approved September 4th, 2002;

Acknowledging the UNDP initiative on access and benefit sharing of genetic resources and its potential contribution to the objectives of the Like-Minded Megadiverse countries;

Highlighting the Declaration on Conservation and Sustainable Use of Biological Diversity of the Group of Like-Minded Megadiverse Countries, held in Johannesburg on September 3rd, 2002, which sets out the importance of an international regime to effectively promote the fair and equitable sharing of benefits arising from the use of biodiversity and its components, as well as to promote the development of a sui generis regime to protect traditional knowledge associated to biological diversity, taking into account the principles of the CBD;

Considering the "Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising from their Utilization" adopted during COP VI of the CBD, as a useful first step in an evolutionary process for the development of access and benefit sharing regimes;

Recognizing the national instruments aimed at guiding our countries in regulating access to genetic resources and benefit sharing and protection of traditional knowledge, and subregional and regional instruments to these effects, which include inter alia the Andean Community, Decisions 391 and 486; and the Organization of African Union (OAU) Model Law on the Protection of the Rights of Local Communities, Farmers, Breeders and for the regulation of access to biological resource;

Underlining the importance of the relationship between cultural diversity and biological diversity which is one of the most relevant aspects of our heritage as megadiverse countries;

Recognizing that poverty in Megadiverse countries can be eradicated through conservation and sustainable use of biological diversity, in accordance with the objectives of the Millennium Declaration;

Further recognizing the crucial role played by women as depositaries and resource managers or traditional knowledge in the eradication of poverty;

DECLARE:

The central importance of genetic resources to Megadiverse Countries, who are countries of origin and centers of biodiversity of those genetic resources as well as of the applications of these resources in technological, economic and socio-cultural development.

The importance of paragraph 19 of the 4th WTO Doha Ministerial Declaration of December 20th, 2001 which instructs the TRIPs Council to examine the relationship between the TRIPs

Agreement and the CBD and the protection of traditional knowledge and folklore;

That the mechanisms of access to genetic resources and traditional knowledge must ensure the conservation and sustainable use of biological diversity and distribution to the countries of origin of all types of benefits including monetary benefits, technology transfer, development of value added products and improvement of economies in favour of our people, particularly our local communities;

Our support of the ongoing work within the Convention of the Biological Diversity on Article 8 (j) and related provisions;

Our commitment to enhance the efforts of the Group to promote negotiations, within the framework of the Convention on the Biological Diversity and bearing in mind the Bonn Guidelines, of an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources;

That it is necessary to promote bioprospecting and biotechnology in a manner consistent with sustainable use of biological resources, in accordance with national laws and policies and to prevent biopiracy and illegal access to genetic resources and traditional knowledge;

That we need to continue to promote the development of a sui generis regime to protect traditional knowledge, based on IPRs and other instruments and mechanisms of a different nature;

Our commitment to promote the in situ conservation of our biological resources;

To look forward to the conclusions of existing processes on the protection of traditional knowledge including those under the World Intellectual Property Organization and the Convention on Biological Diversity, that shall take into account and fully respect the rights of the countries of origin over their own natural resources as well as those of the traditional knowledge of the indigenous and local communities;

AGREE ON THE FOLLOWING ACTIONS:

To convey the need to formulate a strategy and Plan of Action which contains targets,

objectives, activities and means, including, financial resources, to develop our joint coordination towards the consolidation necessary to reach our objectives.

To strengthen and/or establish a mechanism for cooperation and exchange of information among our countries including case studies and development of projects in areas such as legal regimes applicable in each country regarding property rights of genetic resources and traditional knowledge and, to promote cooperation and exchange of information, inter alia, technology transfer, and capacity building among our countries as well as the exchange of successful experiences in enforcement of laws and regulations;

To strengthen national and regional processes in order to incorporate elements contained in this Declaration, in national policies and regulations, especially regarding genetic resources, traditional knowledge and intellectual property rights;

To promote prior discussions and consensus among the Like-Minded Megadiverse Countries to enable us to present joint proposals in the international fora;

To establish an ad-hoc working group open to all the Like Minded Megadiverse Countries, to present a proposal to be submitted to the next meeting of the Group, to be held in Malaysia in 2003, containing mechanisms to guarantee the fair and equitable sharing of benefits derived from the use of biodiversity and associated traditional knowledge which shall take into account inter alia:

- the need to recognize the sovereign rights of countries of origin over their own biological resources, including genetic resources;
- the need to guarantee the full protection of the rights of indigenous and local communities over their traditional knowledge so that their heritage is not accessed and used without their consent or without the due benefit sharing arrangements; and
- the need to present, prior to the issuance of patent, a prior informed consent agreement with the country of origin of the genetic resources and proof of the legal provenance of genetic resources and/or traditional knowledge that are used in or are a part of an invention;
- study and expedite the establishment of multilateral provisions within the framework of the present Declaration;
- invite UNEP and other organizations to support the activities stated under this Declaration;

To urge the Conference of the Parties to the Convention of Biological Diversity to initiate without delay the negotiations within the framework of the Convention, for an international Regime to promote and safeguard the equitable sharing of benefits arising out of the utilization of genetic resources, called for by the World Summit on Sustainable Development;

We express our appreciation to the Government of Peru for hosting this Ministerial Meeting.

Cusco, November 29th, 2002

GROUP OF LIKE-MINDED MEGADIVERSE COUNTRIES

EXPERTS MEETING ON INSTITUTIONAL BUILDING

DRAFT ACTION PLAN
KUALA LUMPUR, MALAYSIA
21~23 JULY, 2003

Draft Action Plan

FOR THE GROUP OF LIKE-MINDED MEGADIVERSE COUNTRIES
WE RECOMMEND THE MINISTERIAL MEETING OF THE GROUP TO
CONSIDER THE ADOPTION OF THE FOLLOWING ACTION PLAN TO:

1. UNDERTAKE activities for the conservation and the sustainable use of biodiversity which include sharing of information and best practices, research and analysis, electronic-based discussions and meetings based on the following five priority areas:

- International regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources.
- Capacity building for access and benefit sharing and other matters.
- Traditional knowledge
- Intellectual property rights
- Biosafety and Biotechnology.

2. FACILITATE consultation and cooperation within the Group through the establishment of open-ended ad hoc task forces, whenever deemed necessary, in order to formulate a common position whenever possible or joint proposals on issues identified by the Group, as well as project proposals for cooperation.

3. PROMOTE dialogue and cooperation with third countries, the private sector, indigenous and local communities, non-governmental organizations and other stakeholders to advance the conservation, sustainable use and benefit sharing of genetic resources.

4. DEVELOP targets, activities and means, including mobilisation of financial resources, to promote joint coordination towards the consolidation necessary to reach the Group's objectives, as agreed in the Cusco Declaration.

5. ESTABLISH two ad hoc task forces on:

I. Access and benefit sharing, traditional knowledge and intellectual property rights, considering inter alia the following:

- Develop a proposal for COP 7 CBD to establish an open-ended ad hoc working group, to initiate work on an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources, in compliance with the Johannesburg Plan of Implementation adopted by the WSSD;

- Elaborate on the nature, process, scope, elements, and modalities to advocate for an international regime on benefit sharing;

- Review and assess the CBD Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing;

- Consider and further elaborate a proposal for a GEF mid-size project on capacity building on access and benefit-sharing, as requested to the

Technical Secretariat;

- Make recommendations to promote the development of a sui generis system to effectively protect traditional knowledge and the related rights of indigenous and local communities;
- Review, assess and formulate common positions, whenever possible, in the context of the CBD Ad Hoc Open Ended Working Group on Article 8(j);
- Examine the relevant work of the WIPO Inter-governmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore;
- Examine and propose options for the clarification of the relationship between the CBD and the TRIPS Agreement in the context of the WTO.
- Elaborate on the best support and policy recommendations to turn traditional knowledge into viable economic activities, when agreed by local and indigenous communities;

II. Biosafety and Biotechnology, considering inter alia the following:

- Develop a proposal to cooperate in establishing a comprehensive biosafety framework and system;
- Recommend ways to improve scientific expertise in risk assessment and management, including training for regulators and policy makers;
- Examine the ongoing UNEP-GEF and UNDP capacity building programmes, particularly to meet the needs of the Group;
- Exchange information for consultation and cooperation among Members on the work programme of the 1st Meeting of the Parties to the Cartagena Protocol in February 2004, Kuala Lumpur.

**New Delhi Ministerial Declaration of Like Minded Megadiverse Countries on
Access and Benefit Sharing**

We, the Ministers for Environment and the Delegates from Bolivia, Brazil, China, Colombia, Ecuador, India, Indonesia, Kenya, Madagascar, Malaysia, Mexico, Peru, Philippines, South Africa, and Venezuela, who met in New Delhi from 20-21 January 2005:

Reaffirming that States have sovereign rights over their own biological resources;

Taking note of and committing to meet the objectives of the Convention on Biological Diversity namely conservation of biodiversity, sustainable use of its components and fair and equitable sharing of benefits arising out of their use;

Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries;

Recalling the Cancun Declaration of February 2002, creating the Group of Like Minded Megadiverse Countries as a mechanism to promote a common agenda relating to the conservation and sustainable use of biological diversity;

Acknowledging that the Group of Like Minded Megadiverse Countries holds nearly 70% of the global biological diversity, associated with our cultural wealth and diversity, and which must be preserved and utilized in a sustainable manner;

Acknowledging further the 'Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilisation', adopted in April 2002 by the sixth Conference of the Parties (COP) to the Convention on Biological Diversity;

Recognizing the Johannesburg Plan of Implementation (JPOI) of September 2002, calling for action to negotiate within the framework of the Convention on Biological Diversity, an international regime to promote fair and equitable sharing of benefits arising out of the utilization of genetic resources and associated traditional knowledge;

Recalling the Cusco Declaration of November 2002 urging the development of an international regime on access to genetic resources and traditional knowledge and benefit sharing arising from their use;

Taking note of the Action Plan adopted by the Group of Like Minded Megadiverse Countries during the seventh COP to the Convention on Biological Diversity in Kuala Lumpur in February 2004;

Recalling the decision VII/19 of the seventh Conference of the Parties to the Convention on Biological Diversity, mandating the Ad-hoc Open Ended Working Group on Access and Benefit Sharing to elaborate and negotiate an international regime on access and benefit sharing with the aim of adopting an instrument / instruments to effectively implement the provisions of Article 15 and Article 8(j) and the three objectives of the Convention;

Have agreed as follows:

1. To renew our commitment as a Group to consolidate consultation and cooperation, and to develop strategies on various issues relating to conservation of biological diversity and sustainable use of its components for the benefit of our countries and peoples;
2. To join efforts as a Group for effectively negotiating the development of an international regime on access and benefit sharing, including legally binding instrument(s) in the forthcoming meetings of the Ad-hoc Open ended Working Group under the aegis of Convention on Biological Diversity, so as to safeguard the interests of our countries and peoples;
3. To ensure that the international regime to be developed on access and benefit sharing, includes inter alia the following elements: prior informed consent of the country of origin; mutually agreed upon terms between the country of origin and user country; mandatory disclosure of the country of origin of biological material and associated traditional knowledge in the IPR application, along with an undertaking that the prevalent laws and practices of the country of origin have been respected, mandatory

specific consequences in the event of failure to disclose the country of origin in the IPR application;

4. To explore the feasibility of developing coherent national approaches for regulating access to genetic resources and associated traditional knowledge, including for ensuring fair and equitable benefit sharing arising from their use;

5. To jointly further work towards creating the Megadiverse Cooperation Fund, to support projects in member countries that meet the objectives of the Group;

6. To continue consultations, including through electronic means, for developing consensus among the Like Minded Megadiverse Countries for developing common positions and presenting as far as possible joint proposals under the Convention on Biological Diversity, as well as other multilateral agreements relevant for conservation and sustainable use of biological diversity; and

7. To call upon the member countries to consider the recommendations made by the Experts during the LMMC meeting at Delhi as given in the Annex for acceptance by their respective governments with a view to reach a consensus by the group of LMMCs before Ad-hoc Open Ended Working Group meeting in Bangkok in February 2005.

We express our appreciation to the Government of India for hosting this meeting.

New Delhi, 21st January 2005

ANNEX of New Delhi Declaration (as finalized during meetings of LMMCs in Bangkok in February 2005)

Recommendations

General considerations:

Decision VII/19 decided to mandate the Ad-hoc open ended working group on Access and Benefit Sharing to elaborate and negotiate an international regime on access to genetic resources and benefit sharing with the aim of implementing Articles 15 and 8(j) and the three objectives of the Convention.

1. Nature

The international regime should be legally binding and may have non-legally binding elements. The international regime should reinforce the national legislations, where they exist.

2. Scope

The scope of the Legally binding instrument (LBI) should apply to :

- a. access to genetic resources;
- b. fair and equitable sharing of benefits arising out of utilization of genetic resources and their derivatives and their products in the context of mutually agreed terms;
- c. protection of traditional knowledge, innovations and practices associated with genetic resources and their derivatives.

3. Objectives

- a. To prevent the continued misappropriation and misuse of genetic resources and their derivatives to ensure that fair and equitable sharing of benefits flow to the countries of

origin of the genetic resources, and to reinforce national legislation.

b. To provide effective protection of the rights of indigenous and/or local communities in relation to their traditional knowledge associated with genetic resources and derivatives subject to the national legislation of the countries where these communities are located.

c. Establish international measures to support the aforementioned objectives.

4. Relationship with national legislation

The International Regime should reinforce the implementation of national legislations.

5. Elements

Among the elements listed in the annex to Decision VII/19 of the Conference of the Parties, the LMMCs stress that the LBI should primarily focus on the following:

I. Measures to ensure compliance by users with national legislations of the countries of origin or countries providing genetic resources where that country has satisfied conditions which qualify it to be considered as country of origin on access and benefit sharing, prior informed consent and mutually agreed terms;

II. Measures to ensure compliance with prior informed consent of, either:

(a) indigenous/and or local communities for the access to their traditional knowledge, innovations and practices associated with genetic resources and/or associated knowledge and their derivatives; and/or,

(b) country(ies) of origin for the access to genetic resources associated to TK.

III. Measures to ensure compliance with mutually agreed terms on which genetic resources were granted.

IV. Measures to prevent unauthorized access and use of genetic resources, their derivatives and associated TK, innovations and practices.

V. Measures to ensure and guarantee monitoring, compliance and enforcement of rights of countries of origin of genetic resources and their derivatives, whether established by national legislations or otherwise, by users and their countries through the international regime.

VI. Disclosure of legal provenance of genetic resources and associated traditional knowledge in applications for intellectual property rights;

VII. Internationally recognized certificate of legal provenance of genetic resources that should include evidence of compliance with access legislation (including prior informed consent and mutually agreed terms);

VIII. The requirements to obtain the certificate will be nationally defined, considering the provisions in the CBD;

IX. Vision of the Certificate: a standardized code that accompanies the biological material and is passed to all extracts, derivatives or information, through the least expensive channels, in a way that it can be shown at specific and relevant checkpoints in the R&D process (including product approval and intellectual property). There should be high cost of non-disclosure in order to induce users to behave legally. The specific

conditions for access should be included in a clearing house, so that users/authorities / interested parties can check the conditions.

X. Criteria for international recognition of the certificate shall be established in the LBI.

XI. Measures to ensure the fair and equitable sharing of benefits from the results of research and development and the benefits arising from the commercial and other utilization of genetic resources in accordance with Articles 15.7, 16, 19.1, 19.2 of the Convention;

XII. Recognition and protection of the rights of indigenous and/or local communities over their traditional knowledge associated to genetic resources, subject to the national legislation of the countries where these communities are located;

XIII. Monitoring, compliance and enforcement.

XIV. Rules for access to and transfer of technology on the basis of Article 16 of the Convention.

XV. Measures for benefit sharing including inter alia, monetary and nonmonetary benefits and effective technology transfer and cooperation so as to support the generation of social, economic and environmental benefits;

XVI. Rules to strengthen the international cooperation in particular South- South Cooperation;

XVII. Building of human, institutional and scientific capacities including for putting in place the legal mechanism, taking into account Articles 18 and 19 of the Convention;

XVIII. An institutional mechanism for implementation of LBI.