

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 fora 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.