

Joint Statement on Biodiversity, Access to Genetic Resources and Traditional Knowledge, on the occasion of the Signing of the Agreement between Japan and the Republic of Peru for an Economic Partnership

[Japanese](#)

We, the Governments of Japan and the Republic of Peru, recalling the longstanding friendship between both countries, which has developed into an enduring cooperative relationship; Today, welcoming the expeditious conclusion of the negotiations; Signed the Agreement between Japan and the Republic of Peru for an Economic Partnership.

Both sides,

Recognizing the importance of the three objectives of the Convention on Biological Diversity (hereinafter referred to as the "CBD"), which are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources;

Recognizing the importance of the value of biodiversity and its components as stated in the preamble of the CBD, as well as their potential contribution to cultural, economic and social development;

Recognizing the sovereign rights of States over their natural resources, and that the authority to determine access to genetic resources rests with the national governments and is subject to their national legislation as provided for in paragraph 1 of Article 15 of the CBD; and

Acknowledging what is set forth in paragraph 5 of Article 16 of the CBD;

Have reached the recognition as follows:

Both sides, as Contracting Parties of the CBD, reaffirm the importance of the following:

- (1) endeavoring to create conditions to facilitate access to genetic resources for environmentally sound uses in view of paragraph 2 of Article 15 of the CBD;
- (2) obtaining informed consent from the appropriate authority prior to accessing genetic resources under the control of such authority in view of paragraph 5 of Article 15 of the CBD;
- (3) sharing in a fair and equitable way the benefits, upon mutually agreed terms, arising from the commercial and other utilization of genetic resources with the country providing such resources in view of paragraph 7 of Article 15 of the CBD; and

(4) subject to their respective national legislation, respecting, preserving and maintaining knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promoting their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encouraging the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices in view of subparagraph (j) of Article 8 of the CBD.

With a view to promoting quality patent examination to ensure the conditions of patentability are satisfied, each side will endeavor to seek ways to share information that may have a bearing on the patentability of inventions based on genetic resources or traditional knowledge associated with genetic resources by:

- (a) providing or utilizing publicly accessible databases that contain relevant information; and
- (b) providing an opportunity to submit in writing, to the appropriate examining authority in accordance with its laws and regulations, information on prior art that may have a bearing on patentability.

Any part of this Joint Statement does not prejudice ongoing negotiations and their outcomes in other fora in which both sides are participating.

Tokyo, May 31, 2011

Minister for Foreign Affairs of Japan

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Minister of Foreign Trade and Tourism
of the Republic of Peru

Eduardo Ferreyros