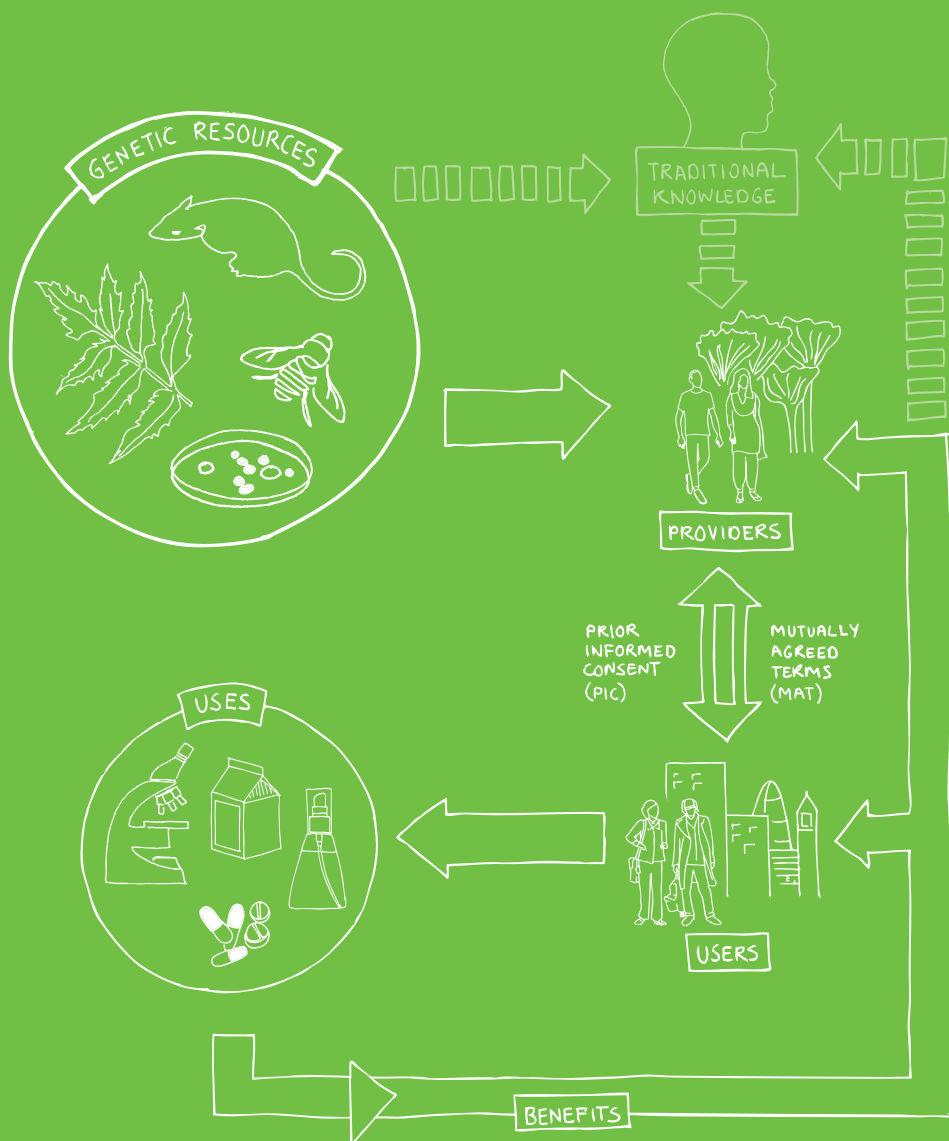


Convention on Biological Diversity: ABS

THEME

Access and benefit-sharing





Users of genetic resources
include research institutes or
companies seeking access for
basic scientific research or
product development

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What is access and benefit-sharing about?

Access and benefit-sharing refers to the way in which genetic resources may be accessed, and how users and providers reach agreement on the fair and equitable sharing of the benefits that might result from their use.

Article 15 of the Convention on Biological Diversity (CBD) sets out rules which govern access and benefit-sharing. Under these rules, the governments of countries have two key responsibilities:

1. To put in place systems that facilitate access to genetic resources for environmentally sound purposes
2. To ensure that the benefits resulting from their use are shared fairly and equitably between users and providers

Users of genetic resources include research institutes or companies seeking access for basic scientific research or product development. To gain access, users must first get permission (known as prior informed consent or PIC) from the provider country. In addition, the provider and the user must negotiate an agreement (known as mutually agreed terms or MAT) to share the resulting benefits equitably.

Why is access and benefit-sharing important?

Access to genetic resources can lead to benefits for both users and providers. Access and benefit-sharing ensures that the way in which genetic resources are accessed and used maximizes the benefits for users, providers, and the ecology and communities where they are found.

Users seek genetic resources to deliver a range of benefits; from basic scientific research, such as taxonomy, to developing commercial products which contribute to human well being, such as pharmaceuticals.

Providers of genetic resources grant access to these resources in return for a fair share of the benefits that result from their use. In cases where research and development leads to a commercialized product, monetary benefits such as royalties, milestone payments or licensing fees must be shared with the provider. Providers can also benefit from technology transfer or the enhancement of research skills. Ideally, these benefits will also be used to improve conservation and the sustainable use of biological diversity. For developing countries, granting access to genetic resources in exchange for a share of monetary and non-monetary benefits could contribute significantly to poverty alleviation and sustainable development.

However, these benefits can only be realised if the conditions for fair and equitable benefit-sharing are agreed upon before access.

In some cases, access to genetic resources may depend on using the traditional knowledge of indigenous and local communities (ILCs). Access and benefit-sharing rules recognize the value of this knowledge by requiring users to obtain permission to use it, and to share any benefits that result from its use with the communities who own it.



Providers can also benefit from the enhancement of research skills. Ideally, these benefits will also be used to improve conservation and the sustainable use of biological diversity.

Who is involved in access and benefit-sharing?

Providers of genetic resources: States have sovereign rights over natural resources under their jurisdiction. They are obligated to put in place conditions that facilitate access to these resources for environmentally sound uses. Providers agree terms, which include PIC and MAT, for granting access and sharing benefits equitably. Laws within the provider country may entitle others, such as ILCs, to also negotiate terms of access and benefit-sharing. The participation of ILCs is necessary in instances where traditional knowledge associated with genetic resources is being accessed.

Users of genetic resources: Users are responsible for sharing the benefits derived from genetic resources with the providers. They seek access to genetic resources for a wide range of purposes, from basic research to the development of new products. They are a diverse group, including botanical gardens, industry researchers such as pharmaceutical, agriculture and cosmetic industries, collectors and research institutes.

National Focal Points: To facilitate access, users need a clear and transparent process that details who to contact and what the requirements and processes are in provider countries in order to gain access. National Focal Points are responsible for providing this information.

Competent National Authorities (CNAs): CNAs are bodies established by governments and are responsible for granting access to users of their genetic resources, and representing providers on a local or national level. National implementation measures establish how CNAs work in a given country.

Key agreements

Prior informed consent (PIC): Permission given from the CNAs of a provider country to a user prior to accessing genetic resources, in line with an appropriate legal and institutional framework.

Mutually agreed terms (MAT): An agreement reached between the providers of genetic resources and users on the conditions of access and use of the resources, and the benefits to be shared between both parties.

CASE STUDY

The International Cooperative Biodiversity Groups (ICBG) Bioprospecting Programme in Panama

The ICBG programme in Panama started in 1998. It focuses on ensuring that benefits arising from the use of Panama's genetic resources are shared with Panama as a provider country. The benefits have included building scientific infrastructure, creating research programs, training scientists, and developing drug-discovery programs for diseases.

One of the key aims of the program is to make sure that local researchers play a central role in any commercially-viable research into the uses of their own biodiversity. ICBG members have also passed these benefits onto others in the community, through dozens of talks annually to students in schools, local citizens in town meetings, the business community, government officials and visitors from outside of Panama. This process has increased the incentive for conservation, and has assisted in developing the Coiba National Park and establishing it as one of UNESCO's World Heritage Sites.

Factsheets in the ABS series

Access and benefit-sharing

Uses of genetic resources

Traditional knowledge

The Bonn Guidelines

National implementation

The Nagoya Protocol

The ABS series can be downloaded at www.cbd.int/abs

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